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**Subject:** Wylfa Newydd DCO Deadline 3 Submissions [NOT PROTECTIVELY MARKED]  
**Date:** 17 December 2018 18:14:21  
**Attachments:** [18 Horizon's Response to Written Representation - IACC .pdf](#)  
[19 Horizon's Response to Written Representation - North Wales Police .pdf](#)  
[20 Horizon's Response to Written Representation - North Wales Fire and Rescue Service .pdf](#)  
[21 Horizon's Response to Written Representation - Welsh Ambulance Services Trust .pdf](#)  
[22 Horizon's Response to Written Representation - People Against Wylfa B .pdf](#)  
[23 Horizon's Response to Written Representation - J Chanay .pdf](#)  
[24 Horizon's Response to Written Representation - National Grid .pdf](#)  
[25 Horizon's Response to Written Representation - eNGO Biodiversity Cemlyn Nature Reserve .pdf](#)  
[26 Horizon's Response to Written Representation - North Wales Wildlife Trust .pdf](#)  
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[17 Horizon's Response to Written Representation - Zencity Limited .pdf](#)

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Good Evening

This is the second in a series of 8 e-mails for the Wylfa Newydd DCO Examination Deadline 3 deliverables.

The list below provides a complete list of all documents attached to this e-mail and we will also be delivering 2x USB pen drives containing all of our Deadline 3 submission to your offices at 10:00 tomorrow (Tuesday 18th December).

16 Horizon's Response to Written Representation - Welsh Anti-Nuclear Alliance .pdf  
17 Horizon's Response to Written Representation - Zencity Limited .pdf  
18 Horizon's Response to Written Representation - IACC .pdf  
19 Horizon's Response to Written Representation - North Wales Police .pdf  
20 Horizon's Response to Written Representation - North Wales Fire and Rescue Service .pdf  
21 Horizon's Response to Written Representation - Welsh Ambulance Services Trust .pdf  
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Kind Regards

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## Wylfa Newydd Project

### Horizon's Response to Written Representation – IACC

PINS Reference Number: EN010007

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18 December 2018

Revision 1.0

Examination Deadline 3

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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# **1 Horizon's response to IACC Written Representation**

## **1.1 Introduction**

1.1.1 Horizon Nuclear Power Wylfa Limited ("Horizon") has reviewed the Isle of Anglesey County Council's ("IACC") Written Representation. This document responds to the key issues presented within that document as overarching topic areas.

1.1.2 The document should be read in combination with the Horizon response to the IACC Local Impact Report.

1.1.3 The IACC Written Representation covers seven principal areas:

- Summary of relevant policies;
- Comments on the Draft Development Consent Order (DCO);
- S.106 and monitoring;
- Codes of Construction Practice;
- Compulsory Acquisition;
- Biodiversity and geological conservation issues relating to the impact on the Tre'r Gof SSSI;
- Site Campus site selection and request for an alternative layout.

1.1.4 These are dealt with in turn below.

## **1.2 Summary of engagement**

1.2.1 Horizon has engaged proactively with IACC to understand and seek to address its concerns throughout the pre-application process and following the submission of the DCO application. This has included regular meetings and workshops on topics of interest to IACC, including housing, skills, supply chain, tourism, approach to and design of associated development sites and local environmental considerations. Details of this engagement are set out in the draft SOCG between Horizon and IACC [Application Reference Number: 8.25] submitted at Deadline 2 (4 December 2018).

1.2.2 Horizon's welcomes the IACC's support in principle of the proposal for Wylfa Newydd (paragraph 1.2) and considers that significant progress has been made in relation to the areas of concern to IACC, many of which are addressed through the draft DCO s.106 agreement submitted at Deadline 3 (18 December 2018). Horizon believes that that these can be satisfactorily addressed throughout Examination.

## 1.3 Policy context

- 1.3.1 The IACC Written Representation sets out a summary of relevant local planning policy in section 3. Reference should be made to Topic No. 2 (Planning Policy) in the draft SOCG between Horizon and IACC [REP2-041] submitted at Deadline 2 (4 December 2018) which sets out the draft agreed position as of the 4 December 2018 with regard to local policy. This states at IACC 0028:

*“It is agreed that National Policy Statements EN-1 and EN-6 form the primary basis for decision making for the Wylfa Newydd DCO Project and that in the event of a conflict between these and local and regional policy, the National Policy Statements prevail for the purposes of decision making (paragraph 4.5.1 of the NPS EN-1), in so much as the NPS’s are to be had regard to, under Section 105 (2) c of the Planning Act and the Written Ministerial Statement (dated December 2017).”*

- 1.3.2 Horizon notes IACC’s statement at paragraph 3.5 of the Written Representation that Horizon did not raise a legal challenge against the Wylfa SPG 2018, based on lack of compliance with the Anglesey and Gwynedd JLDP. Horizon would note the statement in its Written Representation [REP2-003] that this concern remains. Although Horizon did not raise a legal challenge, it would still highlight to the Examining Authority that those elements of the SPG which do not comply with the JLDP should be accorded lesser weight. It should be noted that this concern is limited to those parts of the SPG which specifically set out different considerations to the clear approach in JLDP in relation to the selection of temporary worker accommodation sites. It should also be noted, as reconfirmed in Horizon’s Written Representation, that Horizon’s site selection exercise took place before the publication of the draft SPG, and its subsequent adoption, and therefore its guidance was not determinative in the selection of sites in any event.

## 1.4 Comments on the Draft DCO

### Introduction

- 1.4.1 This section addresses the following sections in IACC's Written Representation:
- Sections 4 to 9 which sets out the IACC's comments on the articles and requirements in the Draft DCO;
  - Section 11 which relates to Codes of Construction; and
  - Section 12 which relates to compulsory acquisition under the Draft DCO.
- 1.4.2 This section has been set out in tabular format in order to reflect the specificity of the comments made by IACC.

## Section 4: DCO: General

| WR Ref                                               | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Article 2 Definitions: Definition of commence</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| [4.1.1]                                              | <p>The Council has some concerns with the scope of (j). The erection of temporary buildings, while unlikely to be problematic on the main site, could be on other sites; in particular those for the offline highway works and at Dalar Hir where land is greenfield. The IACC submits that this exclusion should only apply to the main site and the erection of temporary buildings on any other site should constitute commencement.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Horizon does not agree with this proposed exclusion of greenfield sites from paragraph (j) in the definition of "commence" on the basis that any temporary works or the erection of temporary buildings, structures or enclosures are an essential part of the other site establishment activities and works included under (b) to (i).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| [4.1.2]                                              | <p>The Council objects to the inclusion of (a) site preparation and clearance in this list of exclusions. The offline highway works sites and Dalar Hir are greenfield sites. Site preparation and clearance on these locations will require the formation of accesses and the undertaking of earthmoving works and could have a large visual impact. These works should therefore be subject to all of the pre-commencement requirements. If site preparation and clearance is retained in this list the IACC submits that it should not apply to greenfield sites.</p> <p>Site preparation and clearance is not defined within the dDCO however the IACC understands this to include the main site preparation and clearance works being Work 12. If Work 12 is not included within the scope of site preparation and clearance this requires to be clarified on the face of the</p> | <p>Horizon does not consider that it is appropriate to provide that site preparation and clearance of greenfield sites like the Park and Ride facility will be "commencement" under the DCO. The exclusions listed in the definition of "commence" all relate to site establishment activities, of which site preparation and clearance is one. To remove this from greenfield sites but keep activities such as removal of trees and hedgerows, remedial works and laying of services would create an inconsistency.</p> <p>Horizon will review the definition of "commence" and propose amendments in the updated Draft DCO submitted at Deadline 4 (17 January 2019) to ensure that the pre-commencement SPC Requirements in Schedule 3 of the Draft DCO are enforceable and certain.</p> |

| WR Ref  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|         | DCO as its potential inclusion is a matter of concern for the IACC.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| [4.1.4] | <p>IACC does not consider it to be accurate to state that work 12 replicates the site preparation and clearance works for which planning permission is being sought from the Council or that the requirements of the DCO replicate the conditions of the planning permission.</p> <p>Work 12 is more extensive and impactful than the planning permission works. The Explanatory Memorandum at 4.101 and 4.16 is therefore not accurate in stating that these works are the same. For example, Work 12 includes realignment of a watercourse which is not included within the planning permission application site preparation and clearance works. At 4.16 of the Explanatory Memorandum<sup>2</sup> there is a reference to Work 12 being slightly larger than the planning permission application area. The planning permission area is 299 hectares, the main site is 407<sup>3</sup> hectares; this cannot be reasonably characterised as 'slightly' larger.</p> | <p>At Deadline 2 (4 December 2018), Horizon amended the description of Work No.12 in Schedule 1 to remove the "diversion and realignment of a tributary (Nant Porth-y-pistyll) to the Afon Cafnan with associated landscaping works and put these works within the "other associated development" [REP2-020].</p> <p>The purpose of this amendment was to ensure that the only difference between Work No.12 and the planning permission was the area of land affected by the works. The boundaries of Work No.12 and the planning permission are shown Appendix A. The SPC works under the planning permission cover a total area of 299 hectares; whereas, Work No.12 covers an area of 288 hectares. The reason for this difference is that Work No.12 excludes the Tre'r Gof SSSI.</p> <p>Horizon notes that reference to 407 hectares in the DCO application relates to the entire area of land within the WNDA and includes the Marine Works, Wylfa Head, Dame Sylvia</p> |

<sup>1</sup> Revision 1 [APP-031] Revision 2 [AS-011].

<sup>2</sup> [ APP-031].

<sup>3</sup> The application documents variously give the Wylfa Newydd Development Site area as 407 and 409 acres, see for example the planning statement at paragraph 4.3.2 [APP-406] which states it as 407 hectares, and the ES Volume A - A2 - Project overview and introduction to the developments [APP-056] at paragraph 2.2.1 which states that the area is 409 hectares. The IACC has quoted a site area of 407 hectares as that is the most commonly used figure in the application documents; it would be of assistance if the figure could be clarified.

| WR Ref                                               | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Crowe's Mound, the area of the Wales Coastal Path, and compensation sites.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| [4.1.6]                                              | IACC has specific concerns around the inclusion of Work 12 in this definition as this does not trigger all of the requirements of the DCO. Consideration of the requirements is set out further in section 7 of this representation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | As noted above, the definition of "commence" will be amended in the next version of the Draft DCO to exclude Work No.12 from paragraph (a).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Article 2 Definitions: Definition of maintain</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| [4.2.1 – 4.2.3]                                      | <p>The dDCO provides that "maintain" includes inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish, relay, extend, enlarge or replace any part of the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, or vary the authorised development as described in Schedule 1 (Authorised development), and any derivative of "maintain" must be construed accordingly;"</p> <p>The words "relay, extend, enlarge" have been added to the definition in revision 2 at deadline 1 . The IACC objects to the width of this definition, particularly the inclusion of extend and enlarge added at revision 2.</p> <p>While the IACC accept the need for maintenance powers, it does not consider that extending or enlarging any structure falls within the definition of maintain.</p> <p>The Council is also concerned that there is a lack of information on and assessment of maintenance activities in</p> | <p>In developing the definition of "maintain" in article 2 of the Draft DCO [REP1-005], Horizon refers to the PINS' Advice Note 15: Drafting Development Consent Orders which states that: <i>"Particular care should also be taken when drafting a power to 'maintain' so that it does not authorise development which may result in significant environmental effects not already assessed.<sup>12</sup> Applicants are encouraged to engage in sufficiently early consultation with the appropriate bodies to seek to agree a definition of maintain and the wording of the corresponding maintenance Article."</i></p> <p>Footnote 12 to this paragraph states <i>"Neither should the power to maintain permit the construction of what is effectively a different project from that consented or its removal (although the removal and replacement of part(s) only of an Authorised Development may in certain circumstances be appropriate)"</i> (our emphasis).</p> <p>The constraint therefore set by the Planning Inspectorate is that "maintain" must be defined in such a way that it does not lead</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|           | <p>the ES to support such a wide definition. Horizon state in the Explanatory Memorandum that the definition is appropriate to allow it to "properly maintain and protect the authorised development throughout the 60-year operational period (for example maintenance activities will inevitably include the need to refurbish or reconstruct operational buildings or replace components of the Power Station".</p> <p>The justification for this definition is therefore predicated on the Power Station but the power to maintain is not restricted to the power station. It applies to all of the elements consented by the DCO meaning that this very, wide definition applies equally to the off-site facilities, park and ride and logistics centre as well as the landscaping areas around the main site which are in close proximity to communities and designed to help screen and those communities. Horizon has set out no justification why this definition is appropriate to those areas rather than the buildings of the Power Station itself.</p> | <p>to significant environmental effects that have not already been assessed.</p> <p>Horizon notes, that its definition of "maintain" follows that of other granted DCOs by limiting maintenance works to those that <i>"do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, or vary the authorised development as described in Schedule 1 (Authorised development)"</i>. The definition of "maintain" therefore within the Draft DCO accords directly reflects the advice from PINS.</p> <p>As noted by IACC, the words "relay, extend, enlarge" were added to this definition as part of the updated Draft DCO (Revision 3.0) submitted at Deadline 2 (4 December 2018) [REP2-020].</p> <p>These words were included following the removal of article 49 (Maintenance of Marine Works) which duplicated the definition of "maintain" by including a range of maintenance works that Horizon could undertake in respect of the Marine Works. The words "relay, extend, enlarge" were the only terms in article 49 that were not included within article 2 and so the definition was amended to include them.</p> <p>Horizon does not consider that their inclusion is problematic as any maintenance work which would enlarge or extend a building would still be constrained by the maximum parameters for that building and the requirement that these works will only be allowed if they do not result in materially new or materially</p> |

| WR<br>Ref       | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>different effects that Horizon has not assessed as part of its Environmental Statement.</p> <p>IACC draws a distinction between 'maintenance' in respect of the Power Station (i.e. the NSIP) and 'maintenance' in respect of other works (i.e. non-NSIP). The important point to note in this distinction is that the non-NSIP works are, almost entirely, temporary construction works, such as the park and ride at Dalar Hir, the logistics site at Parc Cybi and the Temporary Workers Accommodation. Again, these works are tightly constrained by parameters and are, in any event, temporary. In circumstances where these works, by definition, may not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, it is difficult to see why they need cause 'concern'.</p> |
| [4.2.4 – 4.2.5] | IACC questions where the extensive and apparently inevitable maintenance activities are assessed in the ES as the Council has been unable to locate a meaningful assessment of them. It is not acceptable to conclude, as Horizon appears to be seeking to do, that because the impacts will be less than initial construction, they are within the scope of the ES and should be permitted. Over the life of this consent this leads to considerable uncertainty and the | It is important to note that development that does not fall within the thresholds of Schedule 1 or Schedule 2 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009/2663 <sup>4</sup> is not capable of being considered 'EIA development' and, therefore, of being required to be assessed in an Environmental Statement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

<sup>4</sup> The EIA Infrastructure Regulations 2017 came into force on 16 May 2017. However, the EIA Infrastructure Regulations 2009 continue to apply to any application for development consent where the Secretary of State has been requested to adopt a Scoping Opinion (as defined in the 2009 Regulations) prior to this date. The Wylfa Newydd Project Scoping Opinion was requested prior to 16 May 2017 and the Wylfa Newydd DCO Project is therefore subject to the EIA Infrastructure Regulations 2009. Nevertheless, the EIA has taken account of the additional provisions of the EIA Infrastructure Regulations 2017.

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|           | <p>potential for repeated, significant and unacceptable impacts on communities. Given the life of the development the ES will also quickly become inadequate for consenting any major works and updates and addendums are likely to be necessary to comply with the objectives of the EIA regime.</p> <p>Without a meaningful assessment of the maintenance activities and the identification of the impacts of those the restriction on works limiting them to those not creating new or materially different environmental effects is meaningless. If there is no assessment then there is no assessment of impact against which the activities and its effects can be judges.</p> | <p>"EIA development" is defined under the Regulations as development which is either Schedule 1 development or Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location:</p> <ul style="list-style-type: none"> <li>Paragraph 21 of Schedule 1 provides that development will be Schedule 1 development where <i>"Any change to or extension of development listed in this Schedule (i.e. nuclear station) where such a change or extension in itself meets the thresholds, if any, or description of development set out in this Schedule."</i></li> </ul> <p>It is inconceivable that any change or extension of the authorised development by any maintenance works would meet the thresholds or development in Schedule 1.</p> <ul style="list-style-type: none"> <li>Schedule 2 provides that <i>"Any change or extension of development listed in Schedule 1 (i.e. the nuclear station) ... where that development is already authorised, executed or in the process of being executed, and the change or extension may have significant adverse effects on the environment"</i>.</li> </ul> <p>Again, the limitation within the definition of "maintain", as proposed by Horizon, prevents maintenance works under the DCO from having any materially new or materially significant environmental effects and thus</p> |

| WR Ref  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>falling within the scope of Schedule 2 and requiring an EIA.</p> <p>For this reason, Horizon considers it is difficult to conceive how 'maintenance' works that "do not give rise to any materially new or materially different environmental effects", could be considered Schedules 1 or 2 development under the Regulations and therefore require further EIA.</p>                                                                                                                                                                                                                                                                                                                                                                                                               |
| [4.2.6] | <p>The IACC is concerned that the proposed width of this definition means that almost any work could be progressed under it. There is therefore no decision point for assessing whether any proposed work remains within the scope of the environmental information provided and whether that information is still adequate to be relied upon. The IACC considers that there should be a requirement requiring the regular submission of maintenance plans for non-emergency works throughout the operational period in order to provide decision points for EIA compliance by bringing these within the scope of subsequent applications under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> | <p>As noted above, the ability to maintain the authorised development does not provide Horizon with carte blanche to do any works it wants to. The power to undertake maintenance works has been limited by the proviso in the definition that it can only be used for works that do not give rise to any materially new or materially different environmental effects.</p> <p>Furthermore, as stated above, maintenance works to a building or other structure will have to respect the parameters for that building or structure, as defined in the DCO Requirements. Works have been assessed on a worse case basis within those parameters and so it is difficult to see how any maintenance work could have a worse effect than that assessed in the Environmental Statement.</p> |
| [4.2.7] | <p>The Council submits that in the circumstances of this project two definitions of maintain may be more appropriate; one wider definition for the Power Station, the application of which is limited to the 'nuclear island' area, and one for all other components (including the landscaping around the Power Station) which is considerably more limited and therefore</p>                                                                                                                                                                                                                                                                                                                                                      | <p>Horizon does not consider that this is necessary, for the reasons set out above.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| WR Ref                                                     | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                            | provides a level of protection to residents by limiting the impacts of maintenance works.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Article 5 and the relationship with TCPA permission</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| [4.3.1]                                                    | <p>The Council objects to with the drafting of Article 5 in the draft Development Consent Order. This drafting, taken together with the definition of commence set out in the dDCO will create a gap in the regulation and control of the development which is not acceptable to the IACC as planning authority. Under the proposed drafting, Horizon can, by notice, end the application of planning permission conditions (while retaining the benefit of any approvals thereunder) and commence the more extensive site preparation and clearance works authorised under the DCO. The authorised development would not however be commenced by such works under the definition given in the dDCO.</p> | <p>As noted above, Horizon will amend the definition of "commence" in article 2 of the Draft DCO.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                |
| [4.3.2]                                                    | <p>The site preparation and clearance works would be 'controlled' only by the high level certified documents and plans which do not provide the appropriate level of detail to regulate the development (see section 11 below for detailed response on the CoCPs, 7.3 on the CMS and 7.2 on the phasing strategy).</p> <p>These structure of these requirements means that much of the control is devolved to the CoCPs, including important</p>                                                                                                                                                                                                                                                         | <p>As noted in Horizon's response to <b>FWQ 4.0.2</b>, in response to IACC's concerns, Horizon has made a number of amendments to article 5 and Schedules 1 and 4 to resolve the misalignment and enforcement issues raised in respect of the site preparation permission and Work No.12.</p> <p>Schedule 4 of the Draft DCO (Revision 3.0) was amended at Deadline 2 (4 December 2018) [REP2-020] to outline the conditions under the planning permission that would be treated as deemed approval or deemed compliance for the</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                      | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|           | <p>elements such as working hours, control of noise and dust, lighting, delivery timings, and phasing.</p> <p>The draft planning permission conditions are more extensive than the DCO equivalent and cover a range of matters which are not currently set out in the dDCO requirements. The detail covered in those planning conditions is not mirrored in the CoCPs which purport to control these works.</p> | <p>corresponding SPC Requirement following notice being served under article 5. In addition, controls and measures in the Wylfa Newydd CoCP [APP-414] and Main Site sub-CoCPs [APP-415] were either updated at Deadline 2 (4 December 2018), or will be updated at Deadline 4 (17 January 2019), to better align with the level of controls set out in the planning conditions.</p> <p>A new Appendix 1 was added to the Explanatory Memorandum (Revision 4.0) [REP2-025] which explains how the switching mechanism would work in practice and that Horizon can, for the purposes of undertaking Work No.12, continue to comply with any approved plans, documents or works approved under those conditions identified in Schedule 4 following notice being served under article 5. For example, any Landscape Removal Scheme or Reptile Mitigation Scheme approved under conditions 7 and 12, would continue to apply to Work No.12 following notice being served.</p> <p>Horizon has included a "tailpiece" in article 5(5) to enable Horizon and IACC to agree to other controls in the event that the documents or works approved under the planning permission are deemed no longer appropriate.</p> <p>The purpose of the amendments to article 5(5) and Schedule 4 was to ensure consistency between the controls applying to works under the planning permission and Work No.12, ensure that works are not interrupted, and to avoid Horizon having to seek duplicative approvals.</p> |

| WR Ref                                           | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Horizon looks forward to receiving IACC's comments on the amendments to article 5 and Schedules 1 and 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| [4.3.3]                                          | There is a logical inconsistency in the drafting of the SPC requirements which provide in SPC4, SPC8, SPC9 SPC10, which provides that no part of the SPC works may commence, however for the purposes of the DCO, undertaking of the SPC works does not constitute commencement given the definition of commence in Article 2.                                                                                                                                                                                                                                                                                                                                                                                                                              | As noted above, Horizon will amend the definition of "commence" in article 2 of the Draft DCO.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| [4.3.4]                                          | <p>IACC object to the drafting of Article 5(1)b. This article would appear to mean that any pre-existing breach of condition would be nullified by the commencement of Work 12 but that all approvals under the planning permission would be deemed approvals under the DCO.</p> <p>This appears to be very one sided as Article 5 also provides that any pre-existing consents granted under the planning permission operate as consents under the DCO. In addition, given the greater scope of works in Work 12 than in the planning permission this is not considered to be appropriate as the documents and plans approved for the planning permission would not have been drafted to cover all of the activities within the more extensive Work 12</p> | <p>As noted in response to <b>FWQ4.0.4</b>, Horizon amended article 5(1)(b) of the Draft DCO (Revision 3.0) at Deadline 2 (4 December 2018) [REP2-020] so that any pre-existing breach is enforceable by IACC provided the breach occurred prior to notice being served under article 5.</p> <p>It also amended the description of Work No.12 so that it no longer includes the tributary diversion works. This was to ensure greater alignment between the works under the planning permission and Work No.12.</p> <p>Please refer to Horizon's response to <b>FWQ 4.0.2</b> and <b>4.0.4</b> and the DCO Amendment Table (Revision 3.0) [REP2-004]].</p> |
| <b>Article 10: Defence to statutory nuisance</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| [4.4.1]                                          | This article creates a defence to nuisance actions brought by aggrieved persons that Horizon have complied with their own                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | The starting point for immunity from statutory nuisance claims is section 158 of the Planning Act 2008. This section provides that                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|           | <p>plans and therefore considerably extends the defence. The IACC considers that this drafting goes further than the legislation, precedent or the usual justification for such defences. Horizon have not explained why this is necessary in the Explanatory Memorandum.</p> <p>There is an already wide defence to statutory nuisance actions brought by the IACC as under section 158 of the Planning Act 2008. The IACC does not object in principle to the further extension of that to actions of nuisance brought under s82(1) of the Environmental Protection Act 1990.</p> <p>However, the Council does consider the provision set out in Article 10(1)(a)(iii) goes beyond the creation of an equivalent defence and creates an inappropriately wide defence which inappropriately reduces the legal protection available to the public.</p> <p>Further, the lack of detail in the submitted draft CoCP and sub-CoCPs would provide very little to no reassurance for affected persons as the control and measures relating to noise and measures relating to noise, vibration dust and lighting are high level and lack any detail (please see section for further comments on the CoCPs).</p> | <p>an undertaker has a defence against any nuisance claim where it is carrying out development consented under a DCO or anything else authorised by the DCO, unless "any contrary provision made in any particular case by an order granting development consent".</p> <p>Therefore, the statutory position provides undertakers with a wide immunity, unless a DCO restricts it further (as is the case in article 10 of the Draft DCO).</p> <p>Article 10(1)(a)(iii) provides that Horizon will have a defence against a statutory nuisance claim where it is complying with the controls and measures relating to the deposits, vibration, artificial light and noise in the Wylfa Newydd CoCP and the relevant sub-CoCPs or in accordance noise and lighting levels set out in an Environmental Permit.</p> <p>The approach of incorporating defence provisions where an undertaker is complying with an approved document or plan is also included in other granted DCOs, including the Richborough Connection Project (Construction Environmental Management Plan), River Humber Gas Pipeline and Swansea Bay Tidal Lagoon Orders.</p> <p>As these documents will be approved through the DCO process (or through the Environmental Permit process) Horizon considers it is appropriate and reasonable that it should have a defence where it is complying with these approved documents.</p> <p>As noted at the DCO Issue Specific Hearing (24 October 2018), the Wylfa Newydd CoCP and the sub-CoCPs will continue to be</p> |

| WR Ref                                                        | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Horizon Comment                                                                                                                                                                                                                                                                                                                                                  |
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|                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | developed and refined throughout the Examination and Horizon is proposing to submit further updated versions at Deadline 4 (17 January 2019). This will ensure that fulsome details regarding noise, dust, vibration and lighting are included within the final versions of these documents so that there is a clear framework within which Horizon must comply. |
| <b>Inclusion of deemed consents and guillotine provisions</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                  |
| [4.5.1]                                                       | <p>The IACC agrees to the inclusion of deemed consents and guillotine provisions in the following articles subject to the time period for any deemed consent following an application being 56 days in all cases:</p> <ul style="list-style-type: none"> <li>(a) Article 11 Power to alter the layout of streets</li> <li>(b) Article 12 Street works</li> <li>(c) Article 16 Temporary stopping up of streets</li> </ul> <p>The IACC notes that revision 2 of the DCO has amended the period from 28 days to 56 days.</p> <ul style="list-style-type: none"> <li>(d) Article 18 Access to works</li> </ul> | Horizon agrees to this request and has amended all deemed approval timeframes to 56 days.                                                                                                                                                                                                                                                                        |
| [4.5.2]                                                       | Article 18(2) provides that deemed consent of the "street authority" is granted if the "planning authority" does not respond within 28 days. In this case consultation is with the highways authority, applications are made to the planning authority and the deemed consent of the street authority is sought. These are all separate statutory functions under different legislation. The confusion of functions in this article                                                                                                                                                                         | <p>Horizon agrees to IACC's request and intends to make the following updates to article 18 at Deadline 4 (17 January 2019):</p> <ul style="list-style-type: none"> <li>• Removal of references to "relevant planning authority" and IACC and replacement with "street authority" and "highways authority" as necessary;</li> </ul>                              |

| WR Ref                                        | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Horizon Comment                                                                                                                                                                             |
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|                                               | <p>is likely to cause delay in processing any application and should be simplified where possible.</p> <p>The IACC agrees to the inclusion of this provision only if the period is amended to 56 days.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>Amendment of the timeframe for deemed approval to 56 days, rather than 28 days.</li> </ul>                                                           |
| <b>Article 21 Traffic regulation measures</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                             |
| [4.5.3(e)]                                    | <p>Article 21(2), which would allow Horizon to revoke or amend any Traffic Regulation Order not on the list set out in Schedule 10, is acceptable to IACC as Traffic Authority only if the period in Article 21(3) is extended from 28 days to 56 days.</p> <p>On receiving an application for such consent the Council must not only review the proposals and arrangements for traffic management related to them but also the interaction with all other works on the public highways, circulate to the relevant elected members and Community Councils for comment, bring forward any amendments which may be required to the regulation of other roads as a consequence of the proposals and liaise with the Police and other Emergency Services.</p> | <p>Horizon agrees to IACC's request and intends to update to article 21 at Deadline 4 (17 January 2019) so that the timeframe for deemed approval will be 56 days, rather than 28 days.</p> |
| <b>Article 75: Hedgerows</b>                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                             |
| [4.5.3(f)]                                    | <p>The IACC agrees to the inclusion of deemed consents under the Hedgerow regulations in Article 75 provided that the drafting is amended so that only the sections of Important</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Horizon acknowledges IACC's concerns and considers these can be addressed through an amendment which clarifies that only those sections of the important hedgerows shown on the</p>      |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|           | <p>Hedgerows listed in Schedule 17 can be removed and no other Important Hedgerows.</p> <p>Article 75 (3) and (4) should be amended to be more specific. IACC request that these subsections are reworded as follows:</p> <p>75 (3) The undertaker may, for the purposes of the authorised development:</p> <p>(a) subject to paragraph (2), remove any hedgerows that are not important hedgerows within the Order Limits that may be required for the purposes of carrying out the authorised development; and</p> <p>(b) remove only those sections of the important hedgerows identified in Schedule 17 (Removal of important hedgerows) and shown on the plans identified in Schedule 17.</p> <p>75 (4) The power conferred by paragraph (3) removes any obligation upon the undertaker to secure consent under the Hedgerow Regulations 1997 for those sections of the Important Hedgerows in Schedule 17 and on the plans identified in Schedule 17, but does not remove the obligation upon the undertaker to secure consent under the Hedgerow Regulations 1997 for the removal of any other sections of Important Hedgerows</p> | <p>plans can be removed. However, Horizon considers IACC's proposed amendments to paragraph (4) are too narrow as they require Horizon to obtain consent for the removal of normal hedgerows within the Order Limits (paragraph 3(a)).</p> <p>The key intention of this article is to ensure that Horizon has the same rights under the DCO as it would if it had applied for planning permission under the Town and Country Planning Act 1990. Regulation 6 of the Hedgerow Regulations 1997 provides that hedgerows can be removed for the purposes of carrying out development for which a planning permission is granted – without the need for consents to be obtained (Regulation 6(1)(e)). However, "planning permission" does not extend to DCOs and so article 75 extends this exemption to the Draft DCO. However, IACC's proposed drafting undermines this intention.</p> <p>To address IACC's concerns, Horizon proposes the following amendments to article 75 so this is clear:</p> <p><b>Felling or lopping of trees and removal of hedgerows</b></p> <p>[...]</p> <p>(3) The undertaker may, for the purposes of the authorised development—</p> <p>(a) subject to paragraph (2), remove any hedgerows within the Order Limits that may be required for the purposes of carrying out the authorised development; and</p> |

| WR<br>Ref                                                                          | Interested Party's Comment                                                                                                                                                                                                                                                                            | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                                                                                    |                                                                                                                                                                                                                                                                                                       | <p>(b) only remove important hedgerows identified in Schedule 17 (Removal of important hedgerows) to <u>the extent shown on the plans identified in Schedule 17 (Removal of Important Hedgerows)</u>.</p> <p>(4) The power conferred by paragraph (3) removes any obligation upon the undertaker to secure any consent under the Hedgerow Regulations 1997(a) <u>in undertaking works pursuant to paragraph 3(a) or (b)</u>.</p> <p>These amendments will be included in the updated DCO submitted at Deadline 4 (17 January 2019).</p> <p>Horizon also notes that IACC has proposed amendments to Schedule 17 as part of its responses to <b>FWQ4.0.51</b> (Appendix 1A and 1B). Horizon has reviewed these appendices and will update Schedule 17 to reflect these amendments for Deadline 4 (17 January 2019).</p> |
| <b>Article 36 Temporary use of land for maintaining the authorised development</b> |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| [4.6.1]                                                                            | The Council requests that an amendment is made to Article 36 to prevent its application to any operational public highway. This article allows Horizon to take possession of the land at any time during the operational period (60 years) if it is required to maintain any part of the development. | Horizon will amend this article to make it clear that powers to temporarily use land for maintaining the authorised development in article 36 do not apply to operational highway land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| WR Ref                          | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Horizon Comment                                                                                                               |
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|                                 | <p>Horizon's Counsel advised at the DCO hearing<sup>5</sup> that this is required to allow proper maintenance of the nuclear power station. The nature of the nuclear power station is however such that the operational power station itself will not be immediately abutting a public highway, this power is accordingly not required over public highways for maintenance works to the power station.</p> <p>This article should therefore explicitly exclude all operational public highways from this power. Any maintenance works which require occupation of public highway should seek authorisation for such occupation from the Highway Authority in the same manner as any other works.</p> |                                                                                                                               |
| <b>Article 72 Human remains</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                               |
| [4.7.1]                         | <p>The IACC notes that the Order Land includes areas of greenfield land. Other developments on Anglesey have discovered previously unknown archaeological remains including settlements. The Council therefore considers that there is a realistic possibility that unknown, historic human remains may be uncovered during the works and that a process to allow Horizon to have these properly relocated is appropriate. The IACC therefore supports the inclusion of Article 72 within the DCO but would request that this is amended to provide that notices any notices served or</p>                                                                                                             | <p>Horizon will amend article 72 to provide that notices served under this article will be provided in English and Welsh.</p> |

<sup>5</sup> Issue Specific Hearing on the Draft Development Consent Order held on 24 October 2018.

| WR Ref                                                            | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                                                   | published under this Article are required to be bi-lingual in both Welsh and English.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| [4.8.1]                                                           | Given the equal status of Welsh and English within Wales and the high levels of Welsh speaking on Anglesey, the IACC considers that any notices served under the DCO should be served in both Welsh and English. The ACC accordingly requests that Article 77 is amended to require all notices to be bi-lingual.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Horizon will amend article 77 to provide that notices served under this article will be provided in English and Welsh.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Article 79: Procedure in relation to certain approvals etc</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| [4.9.1]                                                           | <p>The IACC submits that a general limiting provision on tailpieces is required specifying that any change approved for under any part of the DCO must not give rise to new or significantly different environmental effect from those assessed in the Environmental Statement and should not allow any activity which has not been assessed to be carried on.</p> <p>It is presumed that the Article 79 and Schedule 19 process for approval would, by virtue of the drafting including "any agreement", also include any tailpiece where agreement is required. These changes could be extensive.</p> <p>The IACC has set out its objections to the current drafting of schedule 19 in detail at section 8 of this Representation, However in relation to tailpieces, the IACC objects to this process authorising changes to any approved plan, scheme document or details to be determined without public</p> | <p>The general limitation on tailpieces is already provided for in paragraph 1(4) of Schedule 1 of the Draft DCO. This applies to all Requirements which include the ability for Horizon to seek variations with the agreement of IACC.</p> <p>The tailpiece limitation does not need to apply to agreements under the DCO articles (i.e. the ability for IACC and Horizon to agree to alternative maintenance arrangements under article 19) as these agreements do not relate to control documents but the way in which Horizon exercises its powers under the DCO or interacts with other stakeholders such as IACC or landowners whose land has been temporarily possessed.</p> <p>As noted in response to <b>FWQ4.0.56</b>, while tailpiece provisions do enable variations to be made to control documents, the ability to do so is not unconstrained:</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|           | <p>consultation, with payment only to a nominal fee, within a time frame which is too short to be practicable for anything other than simpler or minor changes and to be subject to deemed consent without conditions. The impacts of such changes could be considerable and the where the work required to assess the change could be substantial. External input from bodies such as Natural Resources Wales may be also be required and is not allowed for in the timescales.</p> | <ul style="list-style-type: none"> <li>• Horizon cannot change a control document without IACC's approval;</li> <li>• IACC cannot approve any amendments that are more than minor or immaterial and which would give rise to materially new or materially different environmental effects to those assessed in the Environmental Statement.</li> </ul> <p>These limitations on tailpieces have been accepted as appropriate within other granted DCOs in order to provide some flexibility to respond to changes during construction and operation but ensuring that the undertaker is still constrained by the Environmental Statement.</p> <p>Horizon's responses in relation to Schedule 19 and the fees and timeframes provided for under that Schedule is set out below.</p> |

## Section 5 DCO: Part 3 Streets

| WR Ref                                                    | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>Maintenance of altered streets, Articles 11 and 19</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| [5.1.1 – 5.1.3]                                           | <p>Article 11 'Power to alter the layout of streets' and Article 19 'Construction and maintenance of altered streets' provide that streets altered under this order, including new parts of streets, must be completed to the reasonable satisfaction of the street authority and be maintained by Horizon for 12 months.</p> <p>Where streets have been altered it follows that only part of the street will have been subject to works. This could result in a situation where part of the street requires to be maintained by IACC while the altered section is to be maintained by Horizon for a period of 12 months. Rather than dividing the allocation of maintenance of streets in such a manner, the approach normally taken by the Council would be that a bond for the whole cost of the alteration works is required before works are undertaken, then on satisfactory completion of the works, 10% of the bonded sum would be retained for 12 months and used by the Council to undertake any required maintenance.</p> <p>If no maintenance is required the 10% retention would be released back to developer. IACC would request that this approach is adopted in this case allowing responsibility for the entire street to be retained by the Council but with Horizon paying for any maintenance needed on the altered sections.</p> | <p>Horizon agrees that IACC Highways should undertake maintenance works of any affected streets, highways and in respect of the new A5025 Off-line Highways Improvement Works.</p> <p>Horizon will liaise with IACC over the extent to maintenance works, costs and how these can be secured through the current draft protective provisions being negotiated with IACC Highways. Horizon will also consider what amendments are required to article 19 to reflect the agreed position in relation to maintenance.</p> |

| WR Ref                                                                | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                                                                       | <p>The IACC accordingly seeks an amendment to the DCO provide that a deposit of funds or a Bond is to be provided prior to any works commencing to ensure that any street works are completed to a safe and acceptable standard, and to fund any necessary repairs to altered streets for 12 months after the completion of works in place of the responsibility to do so being allocated to Horizon.</p> <p>The Council notes that any consents granted under Article 11 which require the consent of the Council under Article 11(4) will only be given subject to the normal conditions which ensure that works are completed to the required standard (including IACC overseeing works) and that maintenance of such streets can be undertaken effectively.</p> <p>The Council is therefore likely to require the provision of funds or a bond for the cost of any works which will reduce to 10% for the maintenance period. It is therefore more transparent and will promote consistency in street works for the project if all of the works are subject to the same requirements and that this is set out in the DCO.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Art 12 Street works and Article 13 Application of the 1991 Act</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| [5.2]                                                                 | <p>This article as drafted allows Horizon to undertake street works to all of the streets listed in Schedule 6 without any consent from the street authority being required. There is therefore no ability on the part of the authority to control the detail of works, the timing of works, approve traffic management, co-ordinate street works, inspect and supervise works, approve works, or apply any defects period or any liability provisions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Schedule 6 of the Draft DCO identifies specific sections of ten streets that will be affected by street works under the DCO. It is only these streets that consent from the street authority is not required. All other streets must obtain consent from the street authority (who may attach reasonable conditions) prior to seeking to commence any street works. The streets that have been identified are those that will be altered as part of the construction of the A5205 Off-Line Highway Improvement</p> |

| WR Ref                                  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                                         | <p>The Council submits that, out with the main site, this power is therefore too extensive and would mean that IACC cannot effectively and safely manage the public road network, co-ordinate roadworks as it is required to do by statute or effectively plan its own maintenance programmes.</p> <p>The Council requests that this power is amended to reflect the normal approach to street works under the New Roads and Street works Act 1991 which has been disapplied by article 13 and to which disapplication the Council objects. In lieu of the application of the street works regime, the Council seek as a minimum that Horizon are required to give notification of intended street works to the Council and North Wales Police 56 days in advance of the anticipated start date, that approval of traffic management proposals must be obtained before works can be undertaken, a right for the Council to supervise and inspect works, a requirement for bonding or financial guarantee for works commenced but not completed or not undertaken to the required standards, a defects procedure and liability period for repairing any defects and the ability for the Council in consultation with North Wales Police to prohibit the undertaking of works where it is reasonably considered to be necessary to do so in the interests of public safety.</p> | <p>Works. Similar powers are standard across other granted DCOs.</p> <p>While IACC will not have any approval rights in respect of the works (as these will be approved as part of the DCO), IACC will have protective provisions which will set out various controls on Horizon in undertaking works on streets (such as inspection, maintenance and liability provisions). These protective provisions are still draft; however, Horizon will be engaging with IACC Highways on the current draft provisions over the course of Examination.</p> <p>As noted in response to <b>FWQ4.0.105</b>, the key reason certain powers under the New Roads and Street Act 1991 do not apply is because the works relate to the development of an NSIP; rather than minor street works or roading project. It is therefore essential that Horizon can exercise its power under the DCO in a timely and efficient manner without the need for approvals from the street authority. Disapplication of the 1991 Act is also standard across other granted DCOs where highway works are involved</p> |
| <b>Article 16 Temporary stopping up</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| [5.3.1]                                 | The power under this article applies to any street shown on the rights of way plans and would therefore include for example the A5025. There is no time limit on temporary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | It is unclear what is meant by "fit for purpose" but article 16(6) requires Horizon, in providing a temporary diversion under article 16(4), the new or temporary alternative route is to be of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| WR Ref            | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Horizon Comment                                                                                                                                                                                                                                                                                          |
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|                   | <p>stopping up. The IACC therefore seeks an amendment to this Article to ensure that alternative routes and temporary diversions along which traffic and persons are directed are approved by IACC as being fit for purpose before the temporary stopping up under article 16(4) can come into force.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>the same standard as the one it has replaced. Therefore, any diversion provided will be on a like-for-like basis and will be adequately replace the existing diversion.</p>                                                                                                                           |
| [5.3.2]           | <p>There is currently no provision about the condition in which temporarily stopped up streets must be returned. Given that article 16(2) allows temporarily stopped up streets to be used as working sites, such streets could be considerably damaged.</p> <p>For those streets where street authority consent is required under article 16(5)(b) the condition in which such streets must be on reopening will be a condition of that consent however for the streets listed in schedule 9 there is no equivalent opportunity to apply such a condition and the IACC therefore requires that the DCO provides a mechanism for controlling this so that streets are not returned to public use in an unacceptable condition, and if that does occur Horizon are liable for the costs of repairing the street.</p> | <p>Horizon agrees to this insertion and will provide some drafting in the updated Draft DCO to provide that were a street under Schedule 9 has been damaged during a temporary stopping up, Horizon will be responsible for any reinstatement works to reinstate the road to its previous condition.</p> |
| <b>Article 19</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                          |
| [5.4.1 – 5.4.2]   | <p>Horizon originally advised in the first revision of the Explanatory Memorandum<sup>6</sup> that Article 19 followed TWA model provision 10. The drafting does not however follow</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>As noted above in response to paragraphs 5.1.1 to 5.1.3, Horizon agrees that IACC Highways is the most appropriate body to be undertaking maintenance works of streets,</p>                                                                                                                           |

<sup>6</sup> At paragraph 5.4.1 [APP-031]. This was deleted as revision 2.

| WR Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                    |
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|        | <p>the model provision as key alteration has been made; the model provision reads</p> <p>"10. — Construction and maintenance of new or altered streets</p> <p>(1) Any street (other than <b><u>specified private streets</u></b>) to be constructed under this Order shall be completed to the reasonable satisfaction of the <b><u>highway authority</u></b> and shall be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the highway authority.<sup>7</sup>" (bold and underline added).</p> <p>The version in the dDCO not only changes highway authority to street authority but instead of defining the private streets scoped out of the provision provides "Any street (other than <b><u>public highway</u></b>)...". This results in substantial gap in control of new highways constructed under the DCO which do not have to be constructed to the satisfaction of the appropriate authority (in the case of this project that will be the highway authority) or maintained by Horizon for 12 months. Given that the project includes areas of new road which the dDCO provides will be public highway, it is unacceptable to IACC as highway authority that they have been excluded from the scope of this provision.</p> | <p>highways, and the A5025 Off-Line Highway Improvements Works under article 19.</p> <p>Horizon will liaise with IACC Highways over the extent and costs of maintenance works so that this can be secured with through the protective provisions in the Draft DCO and will also consider what amendments are required to article 19 to reflect the agreed position in relation to maintenance.</p> |

<sup>7</sup> The Transport and Works (Model Clauses for Railways and Tramways) Order 2006, Schedule 1.

| WR Ref  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| [5.4.3] | <p>The IACC require that it has an opportunity to supervise the works of the roads which will become public highway and inspect the construction of these as required. In order to ensure that the Highway Authority is satisfied that new roads constructed are suitable and safe for public use before they open the DCO needs to be amended to provide that no new highway can be opened unless and until the authority agrees it is suitable. In order to ensure this, no highway should be deemed to be public highway unless and until the Highway Authority has accepted in writing that it has been constructed to the required standard.</p> | <p>The proposed Protective Provisions in favour of IACC afford IACC sufficient opportunities to supervise, inspect and approve the construction of highway works under the DCO. Controls include:</p> <ul style="list-style-type: none"> <li>• The approval of detailed design information (excluding those detailed design drawings approved under the DCO) prior to the commencement of each phase of the highway works (paragraph 13);</li> <li>• The ability to access the site of the highway works to inspect (paragraph 17);</li> <li>• The obligation on Horizon to ensure that all highway work is carried out to the reasonable satisfaction of the director (paragraph 14);</li> <li>• The ability to issue a provisional certificate following completion each phase of the highway works when completed to the reasonable satisfaction of the director (paragraph 4);</li> <li>• The ability to issue a final certificate for each phase of the highway works [following expiration of the maintenance period], after which the highway works become highways maintainable at the public expense (paragraph 5).</li> </ul> |
| [5.4.4] | <p>The IACC notes that it is not seeking the equivalent of the normal condition on the construction of new public highway that a bond for the full cost is put in place. As the Offline improvements form part of the mitigation package that has</p>                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Please refer to Horizon's response to [5.4.1 – 5.4.2] above.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| WR Ref  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|         | <p>to be delivered as part of the project, the IACC is happy that enough control would be available to it to ensure that the road is constructed to the required standard if opening is prohibited until the condition of the road is inspected and certified in writing to be acceptable.</p> <p>In line with normal practice, Horizon will be financially responsible for defects and maintenance of the new highway for 12 months following opening and the IACC requests that the article is amended to reflect that. As with Article 11 the IACC would prefer that this is approached through securing of funding for 10% of the build cost rather than Horizon undertaking works to operational highway.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| [5.4.5] | <p>Despite the production of detailed drawings Horizon have not produced or discussed with the IACC a schedule of ancillary features such as landscaped areas will be part of the public highway and which IACC will be required to maintain. IACC have therefore been unable to produce a costing for the commuted sum for maintenance which is required for these features and which is not yet secured in any document under the DCO. This requires to be agreed and the sum paid before the new highway opens to traffic</p>                                                                                                                                                                                   | <p>The appropriate formula to be applied to any commuted sum payable in respect of the A5025 Off-Line Highway Improvements will be discussed with IACC as part of the ongoing engagement regarding Protective Provisions and will be secured by those Protective Provisions.</p> <p>Horizon notes that the detailed plans submitted for approval already provide the details of the ancillary features which will be part of the public highway and which IACC will be required to maintain following completion.</p> |
| [5.4.6] | <p>The IACC assumes that boundary features will not be maintained by the Highway Authority. However, should this prove to be different, the IACC requests a schedule of boundary features that the Highway Authority will be required to maintain following the implementation of the</p>                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Horizon does not intend to maintain the boundary features following the completion of the Off-Line Highway Improvements and it is intended for ongoing maintenance will pass to the landowner. For this reason, it is not necessary to provide a Schedule of boundary features.</p>                                                                                                                                                                                                                                |

| WR Ref            | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Horizon Comment                                                                                                                                         |
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|                   | improvements is produced as part of the schedule of ancillary features.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                         |
| [5.4.7]           | The IACC notes that requirement OH4 boundary treatment design, presupposes that all boundary treatments for the offline highway works will be fencing. The IACC considers that this is unacceptable and would not respect the local landscape character or extent boundary treatments in the area which make a lot of use of cloddiau, stone walling and hedging <sup>8</sup> . The IACC request that this requirement is made less specific so that location appropriate boundary treatments can be agreed with all references to 'fencing' being amended to 'boundary treatments'. | Horizon will amend OH4(1) and (3) to refer to "boundary treatments" so that a range of boundary treatments can be included within any detailed designs. |
| <b>Article 20</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                         |
| [5.5.1]           | The IACC requests that this article is expanded to include the highway authority as well as the street authority. Given the scope of the project and that construction of new public highway is included, Given that these are different statutory functions and the Highway Authority will be the appropriate function to in some cases extension of the power to enter into agreements relative to the DCO to the Highway Authority is considered to be expedient.                                                                                                                 | Horizon will amend article 20 to provide the ability for Horizon to enter into agreements with either the street authority or the highways authority.   |

<sup>8</sup> Please see Wylfa Newydd Development Area Chapter of the LIR.

| WR Ref            | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b>Article 21</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| [5.6.1]           | <p>The IACC notes that in response to a request, Horizon have (in November 2018), provided illustrative plans of proposed traffic regulation measures including new speed limits. IACC requests that the power under this article is amended to require a plan for each measure put in place under it and that the relevant traffic regulation measures plans are required to be submitted to and approved by IACC as highway authority acting in consultation with North Wales Police before any measure comes into force. This is to ensure that comprehensible, acceptable plans which align with those for all other traffic measures in the area and which can be used to support enforcement are in place and publicly available before any new regulation takes effect.</p> <p>The IACC are still reviewing the details of the proposed traffic regulation measures. At this time the IACC cannot agree to any of the powers under this article. The IACC will respond to the traffic regulation measures proposals as part of its detailed responses on highway details including the design of the offline highways sections.</p> | <p>Horizon is happy to provide plans of the proposed traffic regulation measures to IACC and North Wales Police as part of its consultation under article 21(3); however, these plans will be provided for consultation, not for approval. The reason for this is that:</p> <ul style="list-style-type: none"> <li>• Schedule 10 affects a limited number of roads within and outside the Order Limits and, in respect of those listed, Horizon can only impose speed limit and clearway restrictions;</li> <li>• Schedule 6 sets out the proposed speed limits that will apply to those streets identified and so IACC and North Wales Police already know what these are proposed to be;</li> <li>• IACC and North Wales Police will have ample notice of the imposition of any measures under the notice provisions in article 21(4).</li> </ul> <p>For all other streets, or to seek another traffic control measure on a Schedule 10 street, Horizon would need to seek the consent of the traffic authority (which would include approval of any plans illustrating the proposed traffic regulation measures).</p> |

## Section 6: DCO: Schedule 1

| WR Ref                                                    | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <b>Description of works, Other Associated Development</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| [6]                                                       | <p>All elements of other associated development should be qualified by statement to the effect of ensuring that they "do not give rise to any materially new or materially different environmental effects from those assessed as set out in the Environmental Statement."</p> <p>The IACC are concerned as to why these provisions are so wide. IACC want to be clear what works are within the project envelope and that any consent is therefore properly controllable. Under the present drafting, the planning authority is concerned that these provisions are so wide and the scope of the consent is therefore so ill-defined that it could not realistically enforce against any unauthorised development as it would be very difficult to show many activities not covered by these provisions.</p> <p>What may be a small or insignificant work as assessed by Horizon in the context of the overall project may however result in a large impact on residents which could be materially different in impact on them. If an impact was already significant, then even a modest increase could be very significant in and of itself in terms of impact experienced. The Council consider that it is therefore to be important to be as specific as possible in allowing these</p> | <p>"Other Associated Development" within Schedule 1 of the Draft DCO includes a number of works which are considered general to a number of work packages and which have been assessed as part of the "worst case" scenario. The intention of "other associated development" was to avoid repetition of a long list of minor works within each of the numbered work packages in Schedule 1. The drafting follows the approach in a number of other recent DCOs, such as East Anglia THREE, Eggborough, Thames Tideway Tunnel, and A14 Cambridge<sup>9</sup> (as well as a number of off-shore windfarm DCOs Galloper, Triton Knoll and Dogger Bank Creyke).</p> <p>Paragraph (o) (now (q)) enables Horizon to undertake any other works that may be necessary or expedient for the purposes of the construction, operation or maintenance of the authorised development. This follows clear precedent in a number of other DCOs. The reason for this inclusion is to future proof the works as it would be impossible for Horizon to identify every single work that might be necessary during the construction of a large and extremely complex infrastructure project.</p> |

<sup>9</sup> East Anglia THREE Offshore Wind Farm Order 2017/826, Eggborough Gas Fired Generating Station Order 2018/1020, Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014/2384, A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016/547

| WR Ref | Interested Party's Comment                                                                                                               | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|        | <p>sweeper provisions so that it can be identified what the works are, what the impacts will be and if that is considered in the ES.</p> | <p>However, as per the precedent DCOs, this general works power has been curtailed to provide that works must not create materially new or different effects from that assessed in the ES. This ensures that the effects of those works must be assessed by Horizon to ensure they can be undertaken under the Schedule 1. If not, then Horizon would need to seek separate planning approval to undertake such associated development works. This approach is the same as the one that has been taken for the definition of "maintain" in the Draft DCO.</p> <p>In its response to the Examining Authority's Action Points Letter following the DCO Issue Specific Hearing (24 October 2018) [REP1-019], IACC sought a number of amendments to paragraph (o) to limit its application. As noted in the cover letter that accompanied Horizon's submission for Deadline 2 (4 December 2018) [REP2-020], Horizon is considering what amendments can be made to address IACC's concerns.</p> |

## Section 7: DCO Schedule 3: Requirements

| WR Ref                  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>General</b>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| [7.1.1]                 | The IACC considers that the dDCO contains very few requirements for development of this complexity and scale being developed across multiple sites. The structure of the requirements means that development is heavily controlled by the various plans, in particular the CoCPs; comments on the CoCPs are given at section 11.                                                                                                                                                                                                                                                                                                                                                  | <p>Horizon does not agree that the Draft DCO requirements are inadequate for a project of this scale and complexity.</p> <p>The approach that Horizon has taken to the DCO requirements is to limit their number by securing the majority of the mitigation proposed to address the effects of the Wylfa Newydd DCO Project within a range of control documents, including the Phasing Strategy, or within the Wylfa Newydd CoCP [APP-414] and sub-CoCPs [APP-415 to APP-420].</p> <p>Compliance with these control documents has therefore been secured by the requirements and the documents will be certified and approved as part of the DCO under article 76.</p> |
| <b>Phasing Strategy</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| [7.2.1 – 7.2.2]         | The IACC considers that the phasing strategy is a key document in controlling the impacts of the development. The Phasing Strategy at 1.1.10 states "The key purpose of this Phasing Strategy is to provide assurance as to when the key mitigation will be delivered. It ensures that development will not be able to progress until pre-requisite mitigation is delivered". Key mitigation is defined in schedule 3 of the dDCO as "Key Mitigation" means the Park and Ride facility, Logistics Centre, A5025 Off-Line Highway Improvements, Marine Off-Loading Facility, Ecological Compensation Sites, Site Campus, and drainage works and landscape mounds within the WNDAs. | <p>Horizon acknowledges IACC's concerns and proposes to update the Phasing Strategy [APP-447]. The update will provide more detailed triggers for the provision of key mitigation focusing on when in the Construction programme the key mitigation is required.</p> <p>Horizon considers that the key mitigation should be delivered before significant effects take place for which this mitigation is designed.</p> <p>In particular the Site Campus will be delivered in 3 phases as set out in 7.2.4 below. An updated Phasing Strategy will be submitted at Deadline 4 (17 January 2019).</p>                                                                    |

| WR Ref  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Horizon Comment                                                                                                                                                                                                                            |
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|         | <p>The IACC considers that the Phasing Strategy as drafted does not meet its key purpose as it does not provide certainty as to when mitigation will be delivered or provide that cessation of works will be required if mitigation is not in place. As an example the MOLF is required to prevent serious and substantial traffic impacts being incurred during main construction. The traffic impact assessment and subsequent mitigation is therefore predicated on delivery and operation of this facility to enable transport to site of [60 to 80%] of all materials. If this is not delivered early enough the traffic impacts would be out with the assessed scope. The IACC needs certainty that inappropriately high usage of highways will not result from late delivery of this facility and that can only be enforced by preventing transportation of materials over the assessed amount until the MOLF is delivered, there is nothing in the dDCO which provides for this restriction.</p> |                                                                                                                                                                                                                                            |
| [7.2.3] | <p>The IACC object to the timing of delivery of the logistics centre prior to first nuclear concrete as being too late. By this stage considerable works will have been ongoing on site for up to two years necessitating a large number of HGV movements.</p> <p>The offline improvements and MOLF are also not scheduled to have been completed meaning that all transportation to the site for the first two years will be on the existing highway. These should be mitigated by delivery as early as possible of the logistics centre. Construction of this facility should start</p>                                                                                                                                                                                                                                                                                                                                                                                                                | <p>The updated Phasing Strategy to be submitted at Deadline 4 (17 January 2019) provides more robust justification for the current new trigger to the delivery of the Logistics Centre which will be supported by further commitments.</p> |

| WR Ref  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                         | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|         | on day 1 of the construction period with delivery of it prioritised.                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| [7.2.4] | The IACC object to the delivery of the site campus in time for peak construction as being too late; please see Site Campus Chapter of the LIR.                                                                                                                                                                                                                                                                                                                     | <p>In the updated Phasing Strategy to be submitted at Deadline 4 (17 January 2019), Horizon has proposed the following phasing for the Site Campus:</p> <ul style="list-style-type: none"> <li>• Phase 1 to deliver first 1,000 beds on or before Q8 post DCO grant;</li> <li>• Phase 2 to deliver 1,500 beds on or before Q15 (so that the total count of beds will be 2,500); and</li> <li>• Phase 3 to deliver final 1,500 beds on or before Q18 (so that the total count of beds will be 4,000).</li> </ul> <p>This will ensure that the Site Campus is operational well before peak construction as all three phases will be delivered by Q2 Year 5 (at the latest). Peak construction (in terms of workforce numbers reaching 9,000) is anticipated to occur in Q4 Year 7 (refer to Figure C1-4 in Chapter C1 Socio-economics [APP-088]). Please also refer to Horizon's response to the LIR on this point.</p> |
| [7.2.5] | The IACC considers that the Phasing Strategy for the development should be considerably wider than simply providing for key mitigation and cover all of the elements needed to deliver the development. Matters such as the provision of bed spaces in worker accommodation and parking spaces on sites should be subject to minimum levels and timings set out in the strategy to ensure that they are provided ahead of demand. This strategy could also set out | <p>Horizon does not consider that it is appropriate for the Phasing Strategy [APP-447] to cover all elements needed to deliver the development as the focus on this document is to secure and deliver the key mitigation needed to avoid adverse effects of the Wylfa Newydd DCO Project.</p> <p>In respect of the specific matters noted by IACC:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| WR Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|        | triggers and timescales for restoration works which have been omitted from the requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• The trigger for the Site Campus will be expanded in the next update of the Phasing Strategy to include the phased provision of bed spaces (see response to paragraph 7.2.4 above);</li> <li>• Provision of parking is provided for under the Requirements and a maximum provision has been provided to enable Horizon to flex provision up or down in accordance with workforce or construction levels (please refer to Horizon's response to <b>FWQ 4.0.72</b>);</li> <li>• Restoration works are adequately provided for and secured by other DCO Requirements SPC13, PW10 WN23, PR6 and LC7.</li> </ul>                                                                                                                                                                                            |
|        | <p>The application is unclear on the status of the Phasing Strategy. Under Article 76 and schedule 18 of the DCO, the Phasing strategy will be a certified document. Requirement PW2 Phasing of the authorised development provides "(1) The delivery of Key Mitigation must be in accordance with the sequencing set out in the Phasing Strategy, unless otherwise approved by IACC.". The Phasing Strategy itself however states; "1.1.6 The final Phasing Strategy will be secured through a Requirement in the DCO. This will be a subsequent approval by the named authority". This is inconsistent. If the phasing strategy is a certified document it should be in a form which provides the requisite level of detail and therefore control. If it is not then submission and approval of a complete, detailed phasing strategy should be secured by a</p> | <p>Horizon notes that the wording of paragraph 1.1.6 of the Phasing Strategy [APP-447] is incorrect as there is a typographical error. It is meant to refer to the fact that any subsequent changes will be subject to the approval of IACC. The wording of Requirement PW2 reflects the intended status of the Phasing Strategy as a document that will be approved and certified as part of the DCO.</p> <p>Requirement PW2 states that "The delivery of Key Mitigation must be in accordance with the sequencing set out in the Phasing Strategy, unless otherwise approved by IACC."</p> <p>Horizon considers that the updates to the Phasing Strategy at Deadline 4 (19 January 2019) will provide the requisite level of detail and certainty (in terms of delivery and enforcement) that is required for a document of this nature.</p> |

| WR Ref                               | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                                      | project wide requirement and no works should be allowed to commence until it is approved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| [7.2.6]                              | The Phasing Strategy must be robust enough to ensure that should elements of the project which have to be delivered to make the project acceptable (all of the Key Mitigation) are not delivered on schedule, all works on the main site must cease until they are delivered.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Horizon does not consider that this control is necessary, as in the event that there is a delay in providing key mitigation (such as the MOLF), as there are other mechanisms in the DCO that will ensure that effects of such delay are managed appropriately, and Horizon is considering what additional measures can be proposed to further mitigate any such effects.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Construction Method Statement</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| [7.3.1]                              | <p>Requirement PW3 Construction Method Statement provides "(1) The construction of the Power Station Works, Site Campus Works, and Marine Works must be carried out in general accordance with the phasing and construction methodologies set out in Construction Method Statement, unless otherwise approved by IACC.". The CMS however provides that the only provides the general construction methods that have been used for assessment purposes within the Environmental Statement.<sup>10</sup></p> <p>The IACC as planning authority therefore considers that there is not enough certainty in the documents to provide a clear framework for the construction works and to allow enforcement if required. The DCO requirement confirms that the development has to only be in 'general accordance with' CMS; in combination with the uncertainty in the CMS itself</p> | Horizon notes that only Requirement PW3 (Construction Method Statement) refers to "in general accordance"; all other requirements relating to control documents refer to compliance "in accordance" with that control document. The purpose of seeking "in general accordance with the CMS" is to provide Horizon with the necessary, but proportionate, degree of flexibility to accommodate any Schedule or methodology changes during construction of the Wylfa Newydd DCO Project. This flexibility is considered appropriate given the scale and complexity of the Project and avoids the potential situation where particular construction methodologies and/or phasing identified in the CMS [APP-136] cannot be implemented due to unforeseen engineering, geological or scheduling reasons. The inclusion of flexibility within DCOs has been approved by PINS. |

<sup>10</sup> [APP-136].

| WR Ref                           | Interested Party's Comment                                                                                                                                                                                                                                         | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                  | <p>this allows scope for many variations over which there will be no control. This approach lacks precision and certainty and does not provide the detail necessary to ensure that the development is carried out in accordance with approved methodologies</p>    | <p>The use of "in general accordance" in respect of compliance with certified documents has also been approved in other DCOs such as the Hinkley Point C (Nuclear Generating Station) Order 2013/648 ("Hinkley"), the National Grid (Hinkley Point C Connection Project) Order 2016/49, the Silvertown Tunnel Order 2018/574 and the North Killingholme (Generating Station) Order 2014/2434.</p> <p>"In general accordance" is also considered appropriate because the ability to deviate from the CMS has been clearly limited under the Requirements. Requirement PW3(2) provides that Horizon will only be acting in general accordance with the CMS where the proposed construction methodologies and phasing does not result in any materially new or materially different effects from those assessed in the Environmental Statement. This effectively limits Horizon's ability to modify the construction methodologies and phasing so long as they are within the scope of the Environmental Statement. To ensure that Horizon is constructing "in general accordance" with the CMS and the Environmental Statement, Horizon will need to monitor its activities in accordance with the Wylfa Newydd CoCP and the Power Station Main Site sub-CoCP.</p> |
| <b>Restoration and aftercare</b> |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| [7.4.1]                          | <p>In general the triggers for submission of restoration plans are far too late in the development. Requirements SPC13, WN9, WN11, WN12 and 13, WN21, OH8 requirement submission of these pre-operation which could be post main construction of that element.</p> | <p><b>Outline restoration plans</b></p> <p>Horizon will amend Requirement SPC13 to align with conditions 10 and 36 of the planning permission. These conditions will then be listed in Schedule 4 so that they can be deemed approved for the purposes of that Requirement.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| WR Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|        | <p>The IACC requests that outline plans are required to be approved prior to the commencement of the relevant part of the development (this is being sought through a planning condition for the site preparation and clearance works). Detailed plans, in line with the approved outlines, should then be required to be submitted for approval no less than 6 months prior to the anticipated completion date of the main construction of the relevant part of the project.</p> <p>All outline and detailed plans should include phasing or timing requirements for the carrying out and completion of restoration works. Management and aftercare schemes should be included in the detailed restoration plans submitted for approval in order to ensure that the planning authority can fully understand the proposals and how they will be maintained at the time they are being asked to approve them.</p> | <p>Horizon does not consider that it would be appropriate to require Outline Plans (like that required under the SPC planning permission) to be submitted for the restoration of that relevant part of the development. The reason for this is that the landscaping and design principles in the Design and Access Statement [APP-407 to APP-410] and the Landscape and Habitat Management Strategy [APP-424 and APP-425] already provide a sufficient framework with which any detailed designs and schemes submitted pursuant to a requirement must be in accordance with. To require Horizon to provide outline plans for each part would only duplicate the framework established under the control documents.</p> <p>Horizon notes that a number of requirements already secure the management and after schemes of any landscaping designs – either as part of the Requirement itself (i.e. Requirement OH8) or as a separate management scheme (i.e. Requirement WN11).</p> <p>Horizon also considers for some sites, i.e. ecological compensation or mitigation sites, no "restoration plan" would be required because the nature of the works on those sites is the creation and enhancement of the site (and then its ongoing management), rather than any works which require restoration</p> <p><b>Triggers for submission of details</b></p> <p>Horizon makes the following points in respect of each of the requirements noted by IACC:</p> <ul style="list-style-type: none"> <li>• <b>Requirement WN9:</b> Final landscape and habitat management scheme to be submitted 12 months prior</li> </ul> |

| WR Ref | Interested Party's Comment | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|        |                            | <p>to the anticipated Unit 2 Commissioning Date. Horizon will amend this so that the requirement is for plans to be submitted following the first nuclear concrete for Unit 1. The proposed amendment will be included in the updated Draft DCO to be submitted at Deadline 4 (17 January 2019).</p> <ul style="list-style-type: none"> <li>• <b>Requirement WN11:</b> Landscape and Habitat management schemes are required to be submitted prior to the completion of the related landscaping and habitat works under Requirements WN8 and WN9. Horizon considers that this is appropriate given that the management scheme will only need to be in place once those works have been completed and the sites shift from construction to long-term management.</li> <li>• <b>Requirements WN12 and WN13 (and WN14):</b> These requirements provide that Horizon must provide a management plan for the long-term management of the receptor sites within 12 months of the authorised development commencing. Horizon will amend these triggers to provide that these details must be submitted prior to commencement of the authorised development.</li> <li>• <b>Requirement WN21:</b> Requirement WN21 provides that the occupation of the Site Campus cannot commence until detailed landscape plans for the Site Campus have been submitted. Horizon considers that this trigger is appropriate as the Site Campus will be built in phases and so the landscaping designs will cover the entire</li> </ul> |

| WR Ref  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>built out Site Campus, not just Phase 1 (which is for 1,000 bed spaces).</p> <ul style="list-style-type: none"> <li>• <b>Requirement OH8:</b> Requirement OH8 provides that the operation of the Off-Line Highway Improvement works may not commence until the landscaping details have been submitted to IACC. Horizon will consider what earlier trigger can be provided as part of its Deadline 4 (17 January 2019) update to the Draft DCO.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| [7.4.2] | <p>All aftercare and maintenance plans must include a minimum aftercare period appropriate to the landscaping and ecological needs of that site for a period of not less than five years; together with an explanation of how this will be undertaken and funded on land which is (or will during the relevant period become) outwith Horizon's ownership or control. The terms of requirements WN11(2)(e), WN12(3), WN13(3), WN14(3) are objected to as the period of maintenance or aftercare is limited by Horizon retaining an interest in the site. Horizon's land interests must allow for a sufficient period of aftercare to be undertaken or the sites they have included, otherwise these are not appropriate sites for the purposes for which they are proposed.</p> | <p><b>Management terms</b></p> <p>In respect of the minimum aftercare periods, all management schemes prepared in accordance with the Landscape Habitat Management Strategy (LHMS) [APP-424 to APP-425] are required to ensure that <i>"new planting is monitored throughout the establishment period, quarterly for a 5-year period after implementation, followed by annual inspections for second 5-year period (total 10 years) to ensure the landscape planting scheme successfully establishes and achieves the intended mitigation. In the event that these inspections identify that planting has not established, replacement planting on a like for like basis will be undertaken at the first available planting season"</i>.</p> <p>Management schemes prepared under the LHMS [REP1-020] will detail responsibilities for the objectives and works detailed in those plans (refer to section 7 of the LHMS [REP1-202]).</p> <p><b>Terms of receptor sites</b></p> <p>Refer to Horizon's comments to IACC's response to <b>FWQ4.0.69</b> [APP-424 to APP-425] regarding the terms of the</p> |

| WR Ref                          | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Horizon Comment                                                                                                                                                                                                                  |
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|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | receptor sites in Requirements WN11(2)(e), WN12, WN13 and WN14.                                                                                                                                                                  |
| <b>SPC13 Restoration Scheme</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                  |
| [7.4.3]                         | <p>The trigger for the submission of the restoration schemes for the site should the development not proceed are unacceptably late.</p> <p>The IACC submits that this requirement should align with the relevant condition of the planning permission for site preparation and clearance works.</p> <p>The requirement should therefore require an outline restoration and aftercare plan must be submitted before any works commence under the DCO (in order to capture the larger area than will be dealt with under the planning permission equivalent), with the detailed plan to be submitted no later than the earlier of 6 months from the taking of any decision not to proceed with the development or the expiry of five years from the date of making of the Order without any works under the DCO commencing on the main site.</p> | Refer to response to 7.4.1 above in respect of amendments that will be made to Requirement SPC13.                                                                                                                                |
| <b>Parameters</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                  |
| [7.5.1]                         | <p>The IACC objects to use of AOD parameters for mounds without current, construction and finished ground levels being given somewhere to facilitate assessment. The IACC cannot from the information given, establish what height that will be above current and worked ground level various mounds will be. IACC consider that it is necessary to know how high mounds are from local ground level to tip. This is partly to</p>                                                                                                                                                                                                                                                                                                                                                                                                             | <p><b>Parameters for mounds</b></p> <p>It is Horizon's view that absolute measurements, i.e. measurements above ordnance datum, are the correct constraint to use when defining DCO Requirements concerning landform height.</p> |

| WR Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|        | <p>allow proper assessment of the impacts and partly to ensure that the relevant mounds serve the intended purposes for screening. It is also necessary to ensure that they are safe as some of the gradients allowed are very steep (1:1). Such gradients are not acceptable for larger mounds unless they are carefully engineered and are unlikely to be acceptable in close proximity to residential properties due to the overbearing, wall-like impact of such gradients.</p> <p>Minimum parameters are also required for some features to ensure these are acceptable. Landscape mounds have to be high enough to serve the function and a minimum should therefore be provided for these. Various requirements ([SPC2, WN15, WN16, OPSF5, PR5, LC5, LC6 and OH7]) provide for maximums for the provision of car parking, bike spaces but set out no minimums which must be provided at any stage, phase or time. This is not acceptable to IACC as it offers no control to ensure that these facilities are available for use at the appropriate stages of the development. The IACC require minimum level of provision for each phase to be in place prior to the start of that phase and that this is clearly secured either in the requirements or is set out in a certified document (such as fuller phasing strategy) to provide certainty and enforceability.</p> | <p>In terms of assessing the impact of the landform height parameters the following information is provided within the application:</p> <ul style="list-style-type: none"> <li>• The current ground levels are provided on drawing [REP2-017].</li> <li>• Construction ground levels will change throughout construction, Table WN2B and WN2C [APP-029] define the maximum height of the construction work areas and associated temporary construction building and facilities.</li> <li>• Finished ground levels are defined in Table WN5 [APP-029].</li> <li>• Illustrative proposals of the construction and final landform are shown in drawings [REP2-018] inclusive [APP- 014]. All landform designs will be appropriately engineered with full risk assessment and necessary mitigations included in the design. Horizon will amend the design principles in the Landscape and Habitat Management Strategy to make it clear that Mounding near Tregelle will be designed sensitively., so not to be overbearing on residential receptors.</li> </ul> <p><b>Maximum parking provision</b></p> <p>In respect of Horizon's position on the maximum provision in relation to parking, please refer to Horizon's response to <b>FWQ4.0.72, 4.0.82, 4.0.87 and 4.0.92.</b></p> |

| WR Ref                                  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b>WN18 Site campus health facility</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| [7.6.2]                                 | <p>The IACC considers that approval of details for this facility (not just submission for approval – please see section 7.7 below) should be required pre-commencement of the development on the main site. There is currently no timing on delivery of this facility.</p> <p>The health facility is stated to serve all of the workers, not just those resident on the campus. The need for the health facility will begin with site preparation and then increase considerably as workforce increases. This facility should therefore be in operation at the start of main construction, although the level of provision may increase to match the increase in workforce.</p> <p>The facility should be operational as one of the first buildings on the main site, along with any site offices. This facility needs to remain in place until after main construction and the large elements of restoration have been completed.</p> | <p>Horizon does not consider that it is necessary that the health facility should be operational at the start of Main Construction. This is because:</p> <ul style="list-style-type: none"> <li>• There will be a mobile medical service on the Main Site at the start of construction that can deal with any medical issues or emergencies;</li> <li>• The first phase of the Site Campus (which is intended to accommodate the health facility) will be delivered as part of Phase 1 on or before Q8 post-DCO grant;</li> <li>• The workforce anticipated in Years 1 and 2 would be less than 1,000 and can be accommodated within the existing community without adverse effects;</li> <li>• Work is in progress, with BCUHB, to define the specification for health services to the construction workforce and on the approach to providing financial contributions, through the draft DCO s.106 agreement, associated with use of NHS services. The specification will cover the phases of the construction e.g. the period prior to the opening of the Site Campus Medical Centre and the period when the Site Campus Medical Centre is up and running.</li> </ul> |
| <b>Requirements OH9 and OH10</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| [7.6.3]                                 | <p>The provision of these sites is scheduled too late; providing enhancement after construction could result in double</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Prior to completion it is considered appropriate for provision of the water vole enhancement areas under Requirements OH9</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| WR Ref                  | Interested Party's Comment                                                                                                                                                                                                                                    | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                         | <p>disturbance to species by then doing works in areas species have already relocated to having been disturbed by the main works. The approach in ECS conditions is considered to be more appropriate and these enhancement areas should align with that.</p> | <p>and OH10 as these works are enhancements (both for water voles and other species due to the improved habitat), they are not required to provide mitigation or compensation for an effect. The enhancement work will take place as part of the A5025 Off-Line Highway Improvement Work's landscaping which will occur principally at the end of construction. The area consists of sub-optimal habitat at present and therefore is appropriate for enhancement. As such it is considered unlikely that any animals will be present during these works which could then be disturbed.</p> <p>Any species affected by the works would be translocated to the three Receptor Sites – Great Crested Newt Site, Notable Wildlife Enhancement Site and Reptile Receptor Site –; whereas the water vole enhancement areas are unlikely to have any species on them at present and so the risk of double disturbance is limited.</p> |
| <b>Logistics centre</b> |                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| [7.6.4]                 | <p>A further requirement is necessary to secure maintenance of the logistics centre site at Parc Cybi once it has been decommissioned for an appropriate period. Please see Parc Cybi Logistic Centre Chapter of the IACC's LIR.</p>                          | <p>Horizon does not consider that a requirement to maintain the Parc Cybi site following decommissioning is appropriate as there will be limited maintenance required due to the nature of the site. In addition, as Horizon only has a leasehold interest over the site for the duration of the Logistics Centre, it is unlikely that it will have the necessary property interests to undertake maintenance works on the site following its decommissioning.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| WR Ref          | Interested Party's Comment                                                                                                                                                                                                                                                                                                               | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Planting</b> |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| [7.6.5]         | <p>All trees, hedgerow and shrub plants and seeds used in all parts of the development should be of local/North Wales provenance and this should be a requirement of all landscaping and restoration schemes. It is therefore requested that this is made a project wide requirement or secured in the main CoCP certified document.</p> | <p>The Design and Access Statements [APP-407 to APP-410] (which apply site-wide) and the Landscape Habitat Management Strategy [APP-424 and APP-425] include a number of principles which require local species to be planted as part of landscaping schemes. It is considered to be more appropriate to be included within these documents, rather than the Wylfa Newydd CoCP [APP-414] as that document relates more to construction measures and controls, rather than the development of landscaping designs (and the associated planting selection).</p> <p>Under the Requirements, any detailed design drawings or landscape scheme must be prepared in accordance with the design principles in the relevant DAS or the LHMS. For example, the following design principles are included in the LHMS and DAS:</p> <p><b>LHMS (applying across the entire WNDA):</b></p> <ul style="list-style-type: none"> <li>• Indigenous plant species characteristic of the habitats elsewhere in the locality will be used unless there are specific reasons for use of other species;</li> <li>• Plants and seeds from local or regional provenance will be used with no invasive non-native species of plant;</li> <li>• Planting of new woodland with a variety of tree and scrub species will be used to supplement visual screening provided by landscape mounding and to provide locally distinctive features, whilst respecting the</li> </ul> |

| WR Ref | Interested Party's Comment | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|        |                            | <p>relatively open nature of the existing landscape character.</p> <p><b>DAS (applying to each site within the Order Limits:</b></p> <ul style="list-style-type: none"> <li>• Soft landscape design should incorporate a high proportion of native plants, suitable for the different areas of the site and requiring low maintenance;</li> <li>• Integrate the development site with the character of the surrounding landscape by maintaining the matrix of local vegetation patterns, blending with local landform and softening views of the site;</li> <li>• In general, and where practicable, the landscape design of the Power Station Site should be inspired by the wider landscape, by using traditional materials, native planting, or a colour palette inspired from the local landscape;</li> <li>• New native tree and shrub planting will be incorporated, using species of local provenance to reinforce and enhance the existing woodland and habitats within the Site Campus boundary with particular reference to the wooded slopes design by Dame Sylvia Crowe, providing shelter and aid wayfinding during operation and integrate the site with the surrounding landscape.</li> </ul> <p>The illustrative design concepts in the Design and Access Statement and the Landscape and Habitat Management Strategy [APP-424 and APP-425] show how native species (and the types of species) could be provided in accordance with the principles. Similarly, the detailed design drawings for</p> |

| WR Ref                     | Interested Party's Comment                                                                                                                                                   | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                            |                                                                                                                                                                              | <p>each site that have been submitted for approval indicate the inclusion of native tree and shrub planting on site.</p> <p>Use of local and native species are preferred as they are more likely to establish than non-local species and would create continuity with the wider landscape; although Horizon notes that in some instances, where visual screening is required, non-native planting may need to be used to supplement screening.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Off-site facilities</b> |                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| [7.6.6]                    | <p>A pre-construction survey of Building M3 and 'the old farm buildings' for bats should be undertaken pre-commencement and this should be secured in requirement OPSF2.</p> | <p>With the exception of Building M3, all buildings on the Off-site Power Station Facilities were surveyed for bats as part of the DCO application. Please refer to Chapter D9 – Terrestrial and freshwater ecology [APP-128] for further details.</p> <p>Once Horizon became aware that Building M3 needed to also be demolished, emergence surveys of building M3 were undertaken in 2018, in line with published guidelines. The results will be submitted at Deadline 3 (18 December 2018) but returned negative results for the presence of roosting bats within Building M3. For this reason, Horizon does not consider that a pre-commencement survey of Building M3 is necessary.</p> <p>Horizon notes that the Off-Site Power Station Facilities sub-CoCP (Revision 2.0) [APP-417] requires Horizon to undertake pre-commencement surveys to establish the presence of bats within the boundary of the Off-Site Power Station Facilities and requires measures to be implemented once Building M3 is demolished.</p> |

| WR Ref                                                                                 | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>Changes made to requirements in revision 2 submitted at Deadline 1<sup>11</sup></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Requirement PW9</b>                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| [7.7.1]                                                                                | <p>The deletion of the longstop wording "in any event within one month after the occurrence of those dates" reduces the certainty and enforceability of the requirement. Given that the obligation is only to notify, the IACC submits that a firm deadline is reasonable and should be considerably shorter than one month. The IACC requests that the longstop is reinserted under amendment of the period and suggests that five working days would be appropriate.</p>                                                                                                                                                                                                     | <p>The deletion of "in any event within one month after the occurrence of those dates" was in error and will be reinstated in the next version of the Draft DCO. Horizon will also amend paragraph (1) "to provide that in any event, within 5 working days after occurrence of those dates".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Amendment of wording of various details to be submitted to IACC for approval</b>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| [7.7.2]                                                                                | <p>Requirements PW11, SPC9, SPC10, WN3, WN6, WN11, WN18, WN19, WN21, WN23, WN25, OPSF2, PR3, OH3, OH4, OH5, OH8, OH9, OH10, ECS2, ECS3, ECS4. The wording of these requirements has been altered so that the prohibition on carrying out works only applies until the required details have been submitted to IACC for approval rather than being approved by IACC.</p> <p>This change is clearly designed solely to benefit Horizon's programme and seriously and inappropriately undermines the role of the local planning authority in controlling the development through the discharge of requirements. The amendments represent a substantial dilution of control as</p> | <p>This was not the intention of the amendments made to the requirements at Deadline 1 (13 November 2018).</p> <p>The intention was to ensure that the requirement could not be read as fettering IACC's discretion to approve or not approve the plan. The original drafting ("submitted to and approved by IACC") appeared to assume or indicate that IACC would approve the plan; whereas IACC has full power to decline to grant any plans or documents submitted by IACC under the requirements. For example, the original drafting for Requirement ECS3 stated that "a management scheme[...] must be submitted to and approved by IACC" (our emphasis). Horizon was concerned that this denoted that the scheme must be approved by IACC.</p> |

<sup>11</sup> [REP1-004] in track and [REP1-005] as a clean version.

| WR Ref                                                                               | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                                                                      | <p>works could then commence where the details submitted are determined to be unsatisfactory and approval is refused.</p> <p>In that situation, IACC as planning authority would have an entirely inadequate degree of control over those works. The IACC object to all of these amendments and request that the previous drafting is reinstated so that details have to be approved before the relevant works can commence. This amendment is particularly unacceptable in relation to requirements OH3, OH4 and OH5 where the details concerned are for the detailed design of the construction of highways which will become public highway and the responsibility of IACC. It is not acceptable that construction of these commences before the details are approved.</p> <p>The IACC consider that the same principle also applies to the amendment to WN25, despite approval in that case being sought from NRW not IACC, and objects to that amendment.</p> | <p>Horizon does not agree that this change has meant that Horizon can commence works as soon as it has submitted details to IACC for approval. Each requirement includes another paragraph that provides that Horizon can only commence works in accordance with the approved plans or details; and so, Horizon will always be required to obtain IACC's approval before it can commence works.</p> <p>For example, PW11(1) requires Horizon to submit a Community Safety Management Scheme to IACC for approval. PW11(3) states that construction of the authorised development must be undertaken in accordance with the <i>written scheme approved under paragraph (1) [...]. (our emphasis)</i>.</p> <p>Horizon notes that other DCOs have adopted this approach in requirements (for example, the Keuper Underground Gas Storage Facility and North London Heat and Power Orders).</p> |
| <b>Addition of items to the details to be submitted, requirements WN9, WN21, OH8</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| [7.7.3]                                                                              | <p>The IACC welcomes the additions made to these requirements. The IACC considers that details of the boundary treatments, landscaping, planting, external lighting, signage and any street furniture should also be required to be submitted for approval for the offsite facilities under requirement OPSF2, and for any amended design of the park and ride facility under requirement PR3 or the logistics centre under requirement LC3.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>As noted in Horizon's comments to IACC's responses to <b>FWQs</b>, Horizon considers that these matters are all addressed through the design principles in the Design and Access Statement [APP-407 to APP-410].</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| WR Ref            | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>SPC5 Terns</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| [7.7.4]           | <p>The amendment of the date placeholders to the undefined term 'tern breeding period' is unacceptably vague. Requirements must, given the criminal consequences of non-compliance with them, be clear and unambiguous. The amendment is therefore objected to as lacking precision.</p> <p>The IACC is aware that breeding periods can vary from year to year but would prefer that a precautionary period of [01 March to 15 August in each year] is inserted with an ability for the Council to agree in writing to any annual variation of that subject consultation with NRW when the particular circumstances of any breeding season are known.</p> | <p>Requirement SPC5 was deleted in the updated Draft DCO (Revision 3.0) that was submitted at Deadline 2 (4 December 2018) due to this control being inserted into the Main Site Power Station sub-CoCP (Revision 2.0) at paragraph 11.4.1:</p> <p>"Works associated with Works No.12 in the Draft DCO [APP-029] may not be undertaken on land to the west of Afon Cafnan and bound by the Order limits during the period 7th March – 15th August unless otherwise agreed with IACC in consultation with NRW."</p> <p>This amendment to the sub-CoCP removes the placeholders that were previously in Requirement SPC5 and ensures this is secured within the sub-CoCP.</p> |

## Section 8: DCO: Procedure in relation to certain approvals

| WR Ref                                  | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>Lack of an adequate phasing plan</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| [8.1.1]                                 | In order to understand the likely requirements and demands on its resources the IACC requires a full phasing plan for the development to be shared which indicates when discharges and approvals are likely to be sought. Without this information the Council cannot properly consider how best to resource these demands or meaningfully plan staff deployment and allocation to ensure capacity is in place to process applications.                                                                                                                                                                                           | Horizon would intend to provide IACC with a rolling Schedule of all upcoming applications and works to enable IACC to ensure it has the necessary resources in place. This could be provided on, say, every 6 months. A rolling Schedule is considered more appropriate than a full phasing plan as it would ensure that the discharging authority has an up-to-date and accurate view of the forthcoming discharges and will ensure that changes in the construction Schedule (due to the complexity and scale of the Wylfa Newydd DCO Project) can be effectively communicated to the discharging authority.                       |
| <b>Lack of consultation</b>             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| [8.2.1 to 8.2.4]                        | The schedule 19 process contain no general requirement for consultation and very limited ability for IACC to consult – these only apply where it is specified in the requirement concerned. Given the high level nature of the DCO documents and the vague nature of many of the proposals as to detail the IACC considers that this will result in a situation where there has been no meaningful consultation at all on many of the aspects of the project. The IACC also considers that as the process applies to the amendment of approved documents, the lack of consultation is entirely inappropriate as that would result | <p><b>Consultation with other stakeholders</b></p> <p>Horizon notes that paragraph 1(4) of Schedule 19 anticipates that IACC may wish to consult NRW as it identifies NRW as a Requirement consultee. The appeal process under paragraph 3 also anticipates that a Requirement consultee will be notified of any appeal documentation.</p> <p>NRW, in its Written Representation, has requested that it has a consultation role in relation to a number of Requirements. Horizon is considering these and where relevant it will make amendment to the affected Requirements to include reference to "in consultation with NRW".</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|           | <p>in documents being amended by Horizon and IACC without any public or stakeholder involvement at all.</p> <p>The IACC agrees that some requirements are suited to targeted consultation however the current dDCO proposals are far too restrictive and need to be considerably widened to allow effective consultation as required by the subject matter.</p> <p>The IACC considers that all major requirements subject to a general, public consultation given the importance of the subject matter of those and that there will have been no opportunity for anyone to comment on the detail contained in those at any previous stage. Meaningful changes to control documents also need to be the subject of wide consultation. The IACC consider that Horizon can and should undertake consultation on the detail of its proposals before they are submitted, similar to that currently being undertaken for variations to the DCO.</p> <p>The IACC would suggest the insertion of the following process, which is based on the consultation process in other granted DCOs:</p> <p>Details of consultation</p> <p>(1) With respect to any major requirement, or any other requirement or approval which requires details to be submitted to the discharging authority for approval under this Schedule following consultation, the details</p> | <p><b>Public consultation in relation to discharges</b></p> <p>Horizon considers that IACC's request for Horizon to undertake public consultation on any application for the discharge of a major detailed Requirement is completely inappropriate.</p> <p>As the parameters and control documents will already have been approved through the DCO, any discharge application should be a relatively routine application for IACC. As all environmental effects would have been assessed and approved already, the decision to discharge the Requirement will largely be an auditing process to ensure that Horizon has complied with the parameters of the DCO as made.</p> <p>For example, whether or not detailed designs can be approved will depend on whether or not they comply with design and landscape principles in the Design and Access Statement, the parameters in Schedule 3, and any other matter listed within the Requirement.</p> <p>Similarly, where Horizon is seeking a change to a control document, IACC will be considering whether or not the change is still within the scope of the Environmental Statement (assisted, of course, by the accompanying documentation from Horizon outlining this). Any "meaningful" change to a control document would have to be progressed through a post-grant change to the DCO, given the limitations that the DCO has in respect of tailpieces.</p> <p>Therefore, the suggestion to require public consultation on the discharge of any requirement (which could have a number of applications) undermines the intention of the Planning Act 2008 and it would create unnecessary delays (and therefore costs) to the</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|           | <p>submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation.</p> <p>(2) At the time of submission to the discharging authority for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from discharging authority.</p> <p>(3) The undertaker must ensure that any consultation responses are reflected in the details submitted to the discharging authority for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so.</p> <p>(4) Where the consultation responses are not reflected in the details submitted to the discharging authority for approval, the undertaker must state in the summary report referred to under sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.</p> <p>(5) The undertaker shall provide copies of any consultation response within two working days of request for these by the discharging authority.</p> | <p>delivery of the Wylfa Newydd DCO Project. This is unacceptable and beyond the scope of what is necessary in the circumstances.</p> <p>In addition to Examination, Horizon has undertaken extensive pre-application consultation on the potential designs of the Power Station and other developments, and responses from that consultation have been incorporated into the development of the Design and Access Statements and Landscape Habitat Management Strategy which create the framework within which detailed designs and management schemes will be prepared and approved. These control documents, which form part of the DCO application, will be approved under the DCO and compliance with them secured through DCO Requirements.</p> <p>For this reason, Horizon strongly objects to IACC's proposed amendment to Schedule 19 on the basis that it is inappropriate and has not been imposed on any other granted DCOs.</p> |

| WR<br>Ref                             | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Timescales and deemed approval</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| [8.3.1<br>to<br>8.3.2]                | <p>The Council objects to the inclusion of a deemed approval provision in this schedule. This is entirely inappropriate. In line with the normal planning process a right to appeal on the basis on non-determination should arise at the end of the set period, not an automatic approval. To change the planning process from a positive one where consent must be given to a negative one where it is deemed simply because an application is not approved in time is an unacceptable use of the ability to create bespoke discharge processes. Horizon has simply gone too far in trying to craft this process to operate to its own advantage.</p> <p>IACC notes that the Explanatory Memorandum cites the Thames Tideway Tunnel and Hinkley orders as precedent for this schedule; The Hinkley order at schedule 14(4) provides "4.—(1) The undertaker may appeal in the event that—... (b)the discharging authority does not give notice of its decision to the undertaker within the decision period as determined under paragraph 1;"; the Thames Tideway order in Schedule 17 also provides that non-determination gives rise to a right of appeal not a deemed approval. The Council therefore does not accept that there is any appropriate precedent for the proposed approach.</p> | <p><b>Timescales for approval</b></p> <p>The time scales for deemed approval in Schedule 19 provide that:</p> <ul style="list-style-type: none"> <li>• In respect of an application under Schedule 19, the discharging authority is deemed to have granted the application if it does not respond within 5 weeks (for minor detailed requirements) or 8 weeks (for major detailed requirements); and</li> <li>• In respect of a request for further information, if the discharging authority does not make a request within 21 days, it is deemed that the application contains sufficient information.</li> </ul> <p>In choosing these timeframes, Horizon took into account the type of requirement and the timeframes that have been provided under other granted DCOs, in particular the Hinkley Point C (Nuclear Generating Station) Order 2013/648.</p> <p>Given that the requirements differ in their level of detail and complexity, those requirements that related to the approval of design details or key documents were classified as "major detailed requirements" and subject to the 8-week approval period. Those that were considered more localised or simpler (such as enhancement area approvals or boundary detail designs) were classified as "minor detailed requirements" and subject to a 5-week (35 day) approval</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|           | <p>The timescales allowed for the processing of what will be in many cases large detailed applications in entirely inadequate. The timescales suggested may be appropriate to the consideration of details under conditions of minor planning permission but fails entirely to take realistic account of the volume, complexity and importance of the matters which will be submitted under the DCO requirements. The time allowed for consultation with other parties, including where IACC will required to consult NRW as a statutory body are thoroughly inadequate. Horizon are able to dedicate a full time team to preparing these applications, the Council and NRW have other responsibilities to meet and this process will be one workstream amongst many. Any time pressure should therefore on Horizon to have these submitted in time for proper consideration to be undertaken by the discharging authority in line with Horizon's programme, not on the discharging authority to have to process these in an entirely inadequate period of time.</p> <p>The IACC requests that the time for consideration is amended from 35 days to 8 weeks for minor requirements and from 56 days 12 weeks for major where further environmental information is not required and 16 weeks where further environmental information is required. These timescales are predicated on each requirement being subject to an application and fee individually and it not being possible to submit multiple major discharges under one application with one fee as that approach</p> | <p>period. Therefore, this follows the approach and timing taken in the Hinkley Point C Order.</p> <p>While not available at the time of drafting, the standard Schedule now appended to the Planning Inspectorate's <i>Advice Note 15: Drafting Development Consent Orders</i> (July 2018) provides for a 6-week (42 days) approval process. In this respect, the timeframes for major detailed requirements under the Draft DCO are more generous. Similarly, other DCOs (such as Thames Tideway Tunnel Order 2014/2384) only provide 28 days for consideration of applications.</p> <p>Horizon therefore considers that the timeframes for approval, and when approval will be deemed, are appropriate and reflect the nature and complexity of the requirements and provide sufficient time for IACC to consult with any relevant stakeholders. A period of 4 months to discharge a requirement, as suggested by IACC, is far too long and inconsistent with the efficient and timely delivery of infrastructure.</p> <p>Horizon will, however, review the list of "major detailed requirements" and consider whether any other Requirements should be added. Any amendments will be reflected in the updated Draft DCO submitted at Deadline 4 (17 January 2019).</p> <p>Horizon is also making significant contributions in funding in order to assist IACC in monitoring and discharging under the DCO and to meet the proposed timeframes. Horizon notes that that contribution, which would replace the existing funding that is provided under the current Planning Performance Agreement, would ensure that</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|           | <p>would not support the resource needed to respond to such applications within the time allowed.</p> <p>The IACC further requests that the time period for determination should not run where the discharging authority advises Horizon that there is an EIA or habitats concern which needs to be resolved before discharge of the application can be progressed - please see section 9 below for further consideration of the interaction of discharges with EIA requirements.</p> | <p>sufficient funding is available to ensure there is adequate resourcing to deal with manage the discharge of DCO Requirements.</p> <p>In particular, the draft DCO s.106 agreement provides funding in officer capacity annually for identified topic areas including:</p> <ul style="list-style-type: none"> <li>• A Welsh Language Officer;</li> <li>• A Tourism Officer;</li> <li>• Two Economic Development Officers;</li> <li>• A Community Involvement Officer;</li> <li>• Between two and three Accommodation Officers (at various points in the development);</li> <li>• A Transport Officer;</li> <li>• An Environment Officer.</li> </ul> <p>And in addition, Horizon will also meet set monitoring costs for the construction period and the operational life of the development. Horizon considers that these substantial contributions will ensure that IACC has the necessary resourcing to undertake its monitoring and discharging functions under the DCO.</p> <p>In respect of timeframes where additional EIA information may be required, please refer to Horizon's comments in respect of section 9 of IACC's Written Representation.</p> <p><b>Deemed approval</b></p> <p>Horizon will consider what amendments can be made to Schedule 19 in respect to the deemed approval provision; although notes that</p> |

| WR<br>Ref   | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | if it were to be removed, amendments to the appeal provisions would need to be made to ensure that Horizon had an appeal right in the event of non-determination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Fees</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| [8.4]       | <p>The proposed fees are inadequate to properly resource the amount of work required in discharging the requirements of the DCO or considering amendments to any approved document. The normal argument for low fees at conditions discharge stage, that the planning authority have already received a substantial fee at outline or full planning permission stage and that the discharges concern only minor matters of detail do not apply in this case. The discharges of requirements and amendment of plans for this project will include details which could have a serious and substantial effect on the impacts and which merit proper and full consideration.</p> <p>The fees to be paid need to reflect the high volume of work over a considerable period (in excess of 12 years) which will be required simply to get the development to operation with the landscape being restored. The lack of a mechanism for fees to increase over time is unacceptable.</p> <p>The list of major requirements for which higher fees reflecting higher workload must be paid is too short and should be expanded. An amendment is also required to bring consideration of amendments to key plans, strategy</p> | <p>As noted in Horizon's response to <b>FWQ4.0.101</b>, The fee Schedule in paragraph 3 of Schedule 19 is based on Town and Country Planning Act (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017 (which apply in Wales)). These Regulations have been used to set fee charges in other development consent orders such as Hinkley, Thames Tideway, Eggborough and North London. This would be in addition to the funding that Horizon is providing through the draft DCO s.106 agreement (noted above).</p> <p>Horizon considers that the repayment of any fees where an application has not been determined within the decision period is appropriate and in line with precedent DCOs.</p> <p>Horizon will make an amendment to Schedule 19 in the updated Draft DCO submitted at Deadline 4 (17 January 2019) to enable fees to increase over time.</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Horizon Comment |
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|           | <p>and documents into the scope of major requirements for the purposes of fees. The currently proposed fee calculation structure will need to be amended to align with this. The category 2 fees for major requirements are capped at far too low a level considering the major aspects of this development which do not include the construction of buildings (including most of the park and ride and logistics centre, all of the A5025 works and a large area of landscaping on the main site).</p> <p>The fee proposed for minor requirements would cover the cost of less than four hours of senior planning officer time, not allowing for any other input which will be required. As an example, requirement WN9 Final Landscape and Habitat scheme is currently classed as a minor requirement. This is an important scheme which will have a direct impact on the landscape and ecology of the main site for decades; the landscaping of the main site will have a direct effect on the neighbouring communities through the landscape character, the adequacy of screening and settling the power station into the landscape. It will have a direct effect on the setting of Cestyll Gardens. It will require input from the Council's ecology and landscape advisors, highways officers, liaison with and input from NRW and, in the Council's opinion, liaison with and input from National Trust as a minimum (the Council maintains that it considers public consultation to be necessary on most of the requirements). A fee of £234 is therefore entirely</p> |                 |

| WR<br>Ref      | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                | <p>inadequate to address the work the Council is being asked to undertake in relation to this requirement.</p> <p>Fees must be payable per requirement or part therefore for which approval is sought not per application. Allowing fees to be payable per application means that packaging of multiple discharges into one application results in the IACC receiving one fee for a disproportionate volume of work.</p> <p>The IACC objects to the provision requiring repayment of fees for non-determination as the work which that fee should fund has already been undertaken.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Appeals</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| [8.5.1]        | <p>The IACC is aware that the Welsh Government has noted its role as appellate decision maker in Wales in relation to decisions made by local planning authorities. The IACC understand that the Welsh Government has submitted that it should be the appellate authority for refusals or non- determination under schedule 19. The IACC agrees that it would be in line with planning practice in Wales and the devolution arrangements for the Welsh Government to be the appeal authority under schedule 19 rather than the Secretary of State.</p>                                  | <p>Horizon is continuing to liaise with Welsh Government separately on this matter and notes IACC's agreement that the Welsh Government should be the appellate body under the DCO.</p> <p>As noted in Horizon's cover letter to the Examining Authority that accompanied its Deadline 2 (4 December 2018) [REP2-001] submission Horizon noted that it has no particular preference as to the body which has the appellate role but wishes to ensure the position is legally correct and reflects the devolution arrangements.</p> |

## Section 9: Requirement to ensure EIA information still current at the time of Requirement discharge

| WR Ref      | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| [9.1 – 9.2] | <p>Discharge of requirements will take place over a considerable period. For post construction landscape restoration plans could be well over a decade before these come forward for consideration. No mechanism is proposed for in the schedule 19 process for ensuring that the EIA still valid and reliable when making that decision or to allow the IACC to require an update to the environmental information where that is required. This requires to be addressed in the DCO and IACC must be able to pause the clock on applications where supplementary EIA is required to allow it to be produced, reviewed, and publicly consulted on.</p> <p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 provide that applications made in pursuance of a DCO requirement which have to be approved before all or part of the development can begin are subsequent applications. Where a subsequent application is received the relevant authority (in this case IACC) must be satisfied that it has adequate information before it to properly assess the application. If the relevant authority is not satisfied the regulations provides</p> | <p>Horizon acknowledges IACC's comments but notes that it does not consider that there is anything in Schedule 19 which would prevent IACC from requesting further information under the subsequent application provisions in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>Schedule 19 provides that:</p> <ul style="list-style-type: none"> <li>• A discharging authority (the 'relevant authority' for the purposes of the Regulations) to request further information (paragraph 2, Schedule 19);</li> <li>• Where further information is requested, the timeframes on determination will be suspended until the information is provided (paragraph 1(2)(a)(ii) or (b)(ii)).</li> </ul> <p>There is no provision in Schedule 19 that states that a request for further information cannot be exercised in accordance with Regulation 23 or that the provision of further information should not be in accordance with Regulation 22. In addition, there is nothing in Schedule 19 which would prevent Horizon from asking for a screening opinion on the need for further information under Regulation 8 (or paragraph (2) of Schedule 19).</p> <p>There does not appear to be precedent for detailed subsequent application provision within any granted DCO or within PINS' Appendix to the <i>Advice Note 15: Drafting Development Consent Orders</i>; however, Horizon would be happy to amend Schedule 19 to</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Horizon Comment                                                                                                                                                                                                              |
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|           | <p>that the authority “<b>must</b> suspend consideration<sup>12</sup>” of the application until the requirements of the regulations are met. In such cases, in order to be able to comply with the legislation, IACC must be given the ability to pause the time period provided for determination under the DCO. Failure to allow for this will result in IACC being forced to refuse applications simply because they cannot be processed in time.</p> <p>The legal requirement that IACC must suspend decision making on subsequent applications where further information is required under the environmental information regulations, also means the drafting of schedule 19 which allows for deemed approvals on the expiry of the determination period does not comply with the objective, approach or intentions of the legislation. This approach seeks to circumvent the clear legislative requirement that applications are not determined where the environmental information before the decision making authority is insufficient. Any deemed decision should be a refusal creating a right to appeal only, in line with every other planning process.</p> | <p>make it clear that its operation will be subject to the 'subsequent applications' provisions of the Regulations. This amendment will be reflected in the updated Draft DCO submitted at Deadline 4 (17 January 2019).</p> |

<sup>12</sup> Regulation 23(3)(c) - Regulations 23 and 24 both provide that consideration must be suspended.

## Section 11: Codes of Construction Practice

| WR<br>Ref                 | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>General commentary</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| [11.1<br>(a)-(b)]         | <p><b>The place of the Codes within the DCO</b></p> <p>The DCO refers to the CoCP and sCoCPs in two places, Article 76 and in the Requirements.</p> <p>Under Article 76 the CoCP and sCoCPs are specified as certified documents within the DCO. Accordingly the precise content of them are recognised as being of special importance in terms of defining the extent of the powers and responsibilities of HNP is developing and operating the generating station.</p> <p>The lack of detail in the CoCPs and the role that is proposed to be fulfilled by the WNMPOP (and through it HNP) in defining that detail is in stark contrast to the detail that would have been expected in a series of documents with Article 76 certified document status.</p> <p>There are 10 CoCP references in the dDCO requirements and one CoOP that raises similar issues.</p> <p>PW7, Project Wide SPC3, Site prep and clearance WN1, Main site WN17, Site campus WN24, Marine works OPSF1, Offsite works PR1, Dalar Hir LC1, Parc Cybi OH1, A5025 Offline ECS1, Offsite ecology OPSF1, Main Site</p> | <p>As noted in Horizon's responses to <b>FWQs</b>, Horizon is intending to submit updated Wylfa Newydd CoCP, sub-CoCPs and CoOP at Deadline 4 (17 January 2019). These updates will include additional detail in response to concerns raised regarding the content of these documents.</p> <p>Horizon notes that the CEMP, which will be prepared by the construction contractor, will be prepared in accordance with the CoCPs and therefore the detail contained within that document will have to comply with the controls and measures in those documents.</p> <p>The use, and appropriateness of tailpieces, is set out in Horizon's response to <b>FWQ4.0.56</b>.</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Horizon Comment |
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|           | <p>In each case the Requirement is to observe the CoCP, the purpose of which being to ensure delivery of the mitigation contained within the CoCP.</p> <p>The references in each Requirement to observance being "...unless otherwise approved by the planning authority" are inappropriate for documents with the status of a certified document.</p> <p><b>The intended purpose of the Codes</b></p> <p>The general Code of Construction Practice<sup>13</sup> is proposed to be read in conjunction with each specific sCoCP. CoCP and sCoCP operate, in effect, as self-imposed rules by which HNP will carry out the development and it is intended that those rules will be enforceable against them. It is therefore of critical importance that the rules are expressed in a manner that makes them sufficiently certain in order that effective enforcement of them can be undertaken.</p> <p>Other similar documents intended to operate in this fashion, but subordinate to and referred to in the CoCP include the Construction Environmental Management Plan (CEMP), para 1.2.2 and the Worker Accommodation Strategy (WAS), para 3.2.18. However it is confirmed at paragraph 2.4.3 that CEMP is to yet to be drafted, so the detail of it is not known. The WAS is</p> |                 |

<sup>13</sup> [APP-414].

| WR<br>Ref          | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                    | <p>subject to the same issues set out below of defining its extent and enforcing its terms.</p> <p>The intent (paragraph 2.3.3) is the CoCP and sCoCPs are demonstrating the manner in which mitigation referred to in the Environmental Statement will be secured. Paragraph 3.2.14 also state that these documents sets out how socio economic impacts will be monitored.</p> <p>Paragraph 3.2.5 and 3.2.9 refer to the programme board (now the WNMPPOP) and how that will operate to control the release of mitigation funds under the s.106 Agreement.</p> <p>IACC challenges the statements made above that the COCP and sCoCPs demonstrate how mitigation will be delivered. The challenge is that these are merely assertions unless and until sufficient detail is supplied for there to be certainty both as to what the mitigation will be and the ability for IACC to enforce its delivery.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| [11.1(c)<br>- (d)] | <p><b>Good construction practice</b></p> <p>In a number of places in both CoCP and sCoCPs there are statements of good working practices that will be observed. An example can be found at section 4 of the CoCP that describes site management strategy and describes the series of subsections on good working</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>The application of mitigation within the Environmental Statement has been to combine good practice mitigation ('tertiary mitigation') with embedded design ('primary mitigation') and then consider what additional mitigation ('secondary mitigation') is necessary to mitigate potentially significant environmental effects. Horizon has therefore included reference to good practice and legislation within the CoCPs so that the basis of its assessment can be relied on. This is in keeping with IEMA guidance.</p> |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Horizon Comment                                                                                                                                                                                                                                                                                        |
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|           | <p>practices that will be adopted such as for site lighting, security and emergencies.</p> <p>IACC welcomes the intent to undertake these actions but observes that they are what any responsible developer would be expected to do on a major construction site. If observed, they will undoubtedly contribute to the avoidance of adverse impacts but they are not matters which would ever expect to be the subject of detailed controls by a planning authority nor are they linked to the avoidance of specific adverse impacts in the environmental statement. Statements of good practice like this are not commented on further by IACC.</p> <p><b>Observing relevant legislation</b></p> <p>Similarly, there are references to observance of specific legislation, for example paragraph 9.3.8 of the CoCP which describes how the legal provisions of s.34 Environmental Protection Act 1990 will be observed in terms of complying with the duty of care to avoid unauthorised and harmful disposal of waste.</p> <p>Again, where references are made to external legal codes they do not need to be the subject of specific powers of enforcement under the DCO and it is assumed that they represent baseline conditions such that no adverse effects would arise in respect of the development that could otherwise be controlled and avoided by such legislation.</p> | <p>Horizon acknowledges that it would be required to comply with relevant legislation in the course of any large-scale construction project, regardless of their inclusion in the CoCPs given it will be liable to prosecution in the event that it does not comply with the relevant legislation.</p> |

| WR Ref                                                                          | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                     |
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| 11.1(e)]                                                                        | <p><b>Sufficiently specific controls</b></p> <p>A number of provisions in the documents, for example paragraph 10.4.1 of the CoCP dealing with the provision of oil storage bunding of 110% of the capacity of any oil storage tank, is the kind of detailed provision that might be expected in a major construction site. It is capable of enforcement and it secures the avoidance of adverse environmental effects.</p> <p>Where similar detailed provisions are contained in the CoCP and sCoCPs that are considered adequate to serve the purpose for which they are intended, no further comment is made on them in this section. However the matters in the following section are those that can be found in the CoCP and sCoCPs where important environmental effects are to be managed and adverse effects mitigated by detail that is not yet present. The following section particularises this and proposes the action that ought to be taken in the confirmation of the DCO in respect of this missing detail.</p> | <p>Horizon welcomes IACC's comments on measures which are considered sufficient and enforceable. As noted above, Horizon is continuing to update the CoCPs [APP-414 to APP-420] throughout Examination in response to comments from the Examining Authority and stakeholders with the next revision of the Wylfa Newydd CoCP and the sub-CoCPs being submitted at Deadline 4 (17 January 2019).</p> |
| <b>Specific elements of CoCP and sub CoCP's demonstrating inadequate detail</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                     |
| [11.2]                                                                          | <p>IACC's Written Submission outlines a number of controls within the Wylfa Newydd CoCP, sub-CoCps and Wylfa Newydd CoOPs. These are not repeated within this response</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>In preparing the Deadline 4 (17 January 2019) amendments to these documents, Horizon will consider what amendments could be made to each of the provisions noted by IACC so that these provisions contain adequate detail and are enforceable.</p>                                                                                                                                               |

| WR Ref | Interested Party's Comment | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|        |                            | <p>Horizon would like to reiterate that all sites will be subject to the Wylfa Newydd CoCP, as well as their specific sub-CoCP.</p> <p>Horizon notes that some of the updates to the CoCPs (Revision 2.0) submitted at Deadline 2 (4 December 2018) REP2-031 to REP2-036] already address some of the points raised by IACC (for example, additional details around air quality monitoring have been included within the CoCPs at Deadline 2 (4 December 2018) (see for example, section 7.6 of the Main Power Station Site sub-CoCP (Revision 2.0) [REP2-032].</p> |

## Section 12: Compulsory acquisition

| WR Ref                        | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                           | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b>Compulsory Acquisition</b> |                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| [12.0.1]                      | <p>The Book of Reference<sup>14</sup> for the DCO includes a number of plots within which IACC has an interest. This number is currently not finalised as several plots are still being investigated. The IACC provided a provisional list of affected plots in its submission at Deadline 1 in response to a request from the Examining Authority<sup>15</sup>.</p> | <p>In its response to the Examining Authority's Action Points [REP1-019] IACC identified three issues with the Book of Reference with the plots identified below. Horizon has considered IACC's comments in respect of these issues and responds to each in turn below:</p> <ul style="list-style-type: none"> <li>• <i>Plot 148 (Main Site)</i>: IACC noted that the Book of Reference lists Horizon Nuclear Power Wylfa Limited as the owner in respect of subsoil rights beneath the highway however IACC records indicate that <i>they</i> own part of the subsoil and this plot therefore requires further investigation.</li> </ul> <p>Georeferenced images obtained by Horizon of the registered title (CYM679576) in favour of IACC and plot 148 show that the registered title (CYM679576) does not fall into the area of plot 148. The field to the east of plot 148 is owned and occupied by Horizon, hence Horizon's interest in the subsoil.</p> <ul style="list-style-type: none"> <li>• <i>Plot 304 (Dalar Hir)</i>: IACC noted that the Book of Reference identified IACC as the occupier; however, this does not reflect the Council's records.</li> </ul> <p>The National Assembly for Wales is the owner of this plot. To ascertain the occupant of this plot, Horizon considered</p> |

<sup>14</sup> [APP-034 to APP-036].

<sup>15</sup> IACC Deadline 1 submission (13 November 2018), [REP1-019] in response to action point 5.

| WR<br>Ref | Interested Party's Comment                                                                                                                                      | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|           |                                                                                                                                                                 | <p>highway plans from the Highway Authority (in December 2016) against land registry <i>plans</i> and formed the opinion that this land was likely to be part of the public highway. Horizon sought but was unable to obtain more detail from the Highway Authority. If IACC is not the occupant, this would make the National Assembly for Wales the owner/occupier and the plot could be subsumed into Plot 303 for which the National Assembly for Wales is both owner and occupier (as it is no longer part of the highway).</p> <ul style="list-style-type: none"> <li>• <i>Plots 502 and 508 (Off-Line Highways - Section 3):</i> IACC noted that the Book of Reference lists as two individuals as the owner in respect of subsoil rights beneath the highway for both these plots; however, IACC records indicate that they own part of the subsoil and this plot therefore requires further investigation.</li> </ul> <p>The Book of Reference identifies Evan Gwilym and Ceredig Evans as the owners in <i>respect</i> of the subsoil rights of this plot beneath the highway by virtue of the <i>ad medium filum</i> rule. Evan Gwilym and Ceredig Evans are the owners of the neighbouring land registered under title CYM148856.</p> <p>Horizon can otherwise confirm that IACC's interests as detailed in the Book of Reference (Revision 2.0) [APP-013 too APP-015] are correct based on the information that has been provided to date.</p> |
| [12.0.2]  | The IACC reiterates its objection to the inclusion of areas of the public highway and its verge within the scope of compulsory acquisition under the DCO. It is | As noted in the cover letter accompanying the Deadline 2 (4 December 2018) [REP2-001] submission, Horizon is seeking to engage with the IACC highways team to resolve this issue. However,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| WR Ref   | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|          | <p>entirely unnecessary to include the public highway in the scope of compulsory acquisition.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>IACC has recently advised that it would prefer that these matters are dealt with through the Examination process. Horizon reiterates that it intends to seek to negotiate voluntary agreements with IACC, before seeking to exercise its compulsory acquisition powers under the DCO.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| [12.0.3] | <p>IACC as Highway Authority are willing and able to enter into agreements to facilitate the necessary works to the public highway in a manner which respects the Highway Authority's need to maintain control of the public highway network and to manage occupation of the carriageway it in the interests of public safety and effective traffic management.</p> <p>The IACC notes that there has been no formal engagement or discussions held with IACC Highways or Property officers regarding the acquisition of rights or interests in public highway land. Horizon has not sought agreement on alternative means of gaining the rights required for these works. A S278 highways agreement has been successfully concluded between Horizon and IACC for the A5025 online works and IACC would be willing to progress such agreements (i.e. S278 and/or S38) to facilitate these works; Horizon has not made any approach seeking to discuss putting in place such agreements.</p> <p>Horizon has therefore failed to comply with guidance which requires that all reasonable alternatives to compulsory acquisition are explored before these</p> | <p>Horizon considers that a side agreement as suggested by IACC (i.e. S278 and/or S39) is inappropriate as the DCO should be the single instrument authorising the highways works and the protective provisions that will be provided for IACC are the most appropriate vehicle for protecting its rights and interests as Highway Authority. This approach is consistent with the position that taken in the East Midlands Gateway Rail Freight Interchange and Highway Order.</p> <p>Horizon will shortly be reverting with IACC with its comments on the proposed protective provisions for highways.</p> <p>Horizon acknowledges that a section 278/38 agreement was entered into for the A5025 On-Line Highway Improvement Works; however, this is because works will be authorised pursuant to planning permission under the Town and Country Planning Act 1990 and not a DCO.</p> |

| WR Ref                      | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                             | powers are sought and to demonstrate that the powers are necessary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| [12.0.3]                    | <p>IACC understand from recent discussion with Horizon that there is no intention to seek to compulsorily acquire any Highway Authority interests. Horizon advise that the intention is ensure that they have acquired all necessary subsoil rights to allow construction of tie-ins between the existing and new highway sections. Horizon officers have advised IACC officers that the dDCO will be amended to exclude highway authority interests.</p> <p>IACC awaits sight of the amendments to the dDCO which clarify that. Should those amendments be satisfactorily made, IACC will be able to withdraw its objection to the relevant aspects of compulsory acquisition. Pending those amendments being made in acceptable terms, the IACC maintains its general objection to the inclusion of areas of the public highway and its verge within the scope of compulsory acquisition.</p> | <p>In respect of the highways land identified in the Book of Reference (Revision 2.0) (AS-013/15), Horizon will require rights in the subsoil (Class 1) and rights to do highway works (Class 5).</p> <p>As outlined in the Book of Reference, Class 1 is a wide-ranging classification and enables Horizon to effectively "wash" the title of all other rights. However, for highways land, Horizon does not intend to use its Class 1 right to wash IACC's rights and powers as the Highways Authority. In addition, Horizon notes that once it has completed the highways and any tie in works, the highway will be deemed as public highway and transfer back to IACC.</p> <p>For this reason, Horizon is considering what amendments can be made to make this clear in the Draft DCO and will circulate some proposed wording to IACC for comment.</p> |
| <b>Temporary Possession</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| [12.1.1]                    | Article 35(1)(a)(ii) of the dDCO allows Horizon to take temporary possession of any of the Order Land where it is not listed in Schedule 14 provided that certain compulsory acquisition procedures have not commenced.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Horizon reiterates that it intends to seek to negotiate voluntary agreements with all landowners, including IACC, before seeking to exercise its compulsory acquisition powers under the DCO.</p> <p>Horizon also notes paragraph (2) of article 35 requires Horizon to give three months' notice to IACC where it intends to enter onto and possess any highway land not identified within Schedule 14. This is</p>                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | <p>The land plans show multiple plots of operation public highway which are noted as being subject to temporary possession powers however all highway within the order limits is susceptible to the operation of this power under Article 35.</p> <p>The IACC maintains its objection set out in its Deadline 1 submission to the inclusion of public highway within the scope of powers of temporary possession. It is unacceptable to IACC as Highways Authority that a private developer can take and exclusively possess any part of the public highway for an undefined period of time without any control of that by the Highway Authority.</p> <p>Such an ability in the hands of another party means that IACC cannot effectively and safely manage the public road network, coordinate roadworks as it is required to do by statute or effectively plan its own maintenance programmes as it has no certainty as to when the public highway in the locations covered by these plots may be closed or restricted by Horizon.</p> <p>There is no need for public highway to be included within the scope of these powers given that the IACC is prepared to enter into agreements where occupation of the highway is necessary to construct the project, particularly the A5025 highway works where the IACC has a clear interest in ensuring those works are completed to an appropriate standard.</p> | <p>considered ample time to enable IACC to consider what management arrangements need to be put in place to accommodate Horizon's occupation.</p> <p>Horizon has sought to identify all the land it knows that it will need to occupy in Schedule 14; however, this general power has been included in the event additional land is required which had not been identified at the time of the DCO. This power is a standard power in granted DCOs.</p> |

| WR<br>Ref                                                                           | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Horizon Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>Creation of new rights – extent of new rights required by Highways Authority</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| [12.2.1]                                                                            | <p>Horizon have defined various rights to be created by acquisition by them, however in relation to new areas of public highway to be constructed the Highway Authority will require to be given the necessary suite of rights to maintain those before they can become public highway. Articles 8 and 9 limits the ability to transfer any benefit of the Order to any other person.</p> <p>Article 27 (compulsory acquisition of rights) specifically provides for statutory undertakers whose apparatus is affected to be transferred rights but the terms of that would not cover IACC and in any case lacks the certainty the Highway Authority needs as such transfer is subject to Horizon obtaining later consent.</p> | <p>The intention (as set out in article 19(3)) is that all land which forms part of the public highway by virtue of construction will be deemed to have been dedicated as public highway immediately upon completion of the highway.</p> <p>Horizon will make amendments to the Draft DCO to make it clear that any rights acquired or created by Horizon for the purposes of constructing the A5025 Off-Line Highway Improvement Works (including any associated works i.e. drainage and those noted by IACC in this submission) will transfer to IACC as the Highways Authority.</p> |
| [12.2.2]                                                                            | <p>The IACC seeks an amendment to the DCO to address the need to obtain suitable rights for their benefit. This could be done either by specifying in a schedule that rights for the benefit of the Highway Authority will be acquired over listed plots or by allowing the transfer of the benefit of the order to allow the transfers of rights acquired by Horizon to the Council at the time the highway works concerned become public highway. There is precedent for including for the transfer of benefit of defined rights under an order within a DCO, most commonly to allow statutory undertakers to</p>                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| WR Ref   | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                          | Horizon Comment |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|          | undertake works to their apparatus which have been consented through the DCO16.                                                                                                                                                                                                                                                                                                                     |                 |
| [12.2.3] | IACC require that the rights to be acquired by Horizon for their benefit are set out in the Order for clarity and so that the extent of these can be reviewed and landowners who will be subject to such rights have been proper notice of that. That such rights are acquired for the benefit of the Highways Authority needs to be provided for in the DCO and no later consents can be required. |                 |
| [12.2.4] | IACC require rights to access all of the new public highway and its associated infrastructure (including drainage features and connections, bridges and embankments) for maintenance. This must include access from all directions, including from adjacent land, and at all times.                                                                                                                 |                 |
| [12.2.5] | <p>The IACC would welcome the opportunity to discuss the detail with Horizon in order to produce a full schedule of the assets to be constructed however in order to demonstrate the scope of rights needed the IACC has produced a provisional list of assets shown in the drawings to which it would need full access:</p> <p>(a) Section 1 – Valley : Culverts, Silt traps, Headwalls</p>        |                 |

<sup>16</sup> See for example The M20 Junction 10a Development Consent Order 2017, Article 10(4) which transfers the benefit of the order for specified works to the listed utility companies.

| WR Ref                                                                     | Interested Party's Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Horizon Comment                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                            | <p>(b) Section 3 – Llanfachraeth: Culverts, Headwalls, 3x attenuation ponds, Viaduct (including abutments, etc.), Overbridge (including abutments, etc.), Cattle underpass</p> <p>(c) Section 5 – Llanfaethlu: Culverts, Headwalls, 3x attenuation ponds, Cattle underpass</p> <p>(d) Section 7 – Cefn Coch: Culverts, Headwalls, 3x attenuation ponds, Underpass, Overbridge (including abutments, etc.)</p>                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Creation of rights over private means of access (PMA) to be created</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                              |
| [12.3.1]                                                                   | <p>New PMA A4/4 provides drainage and an access to a highway drainage attenuation pond. The statement of reasons<sup>17</sup> provides that the purpose for acquisition of this plot is Acquisition of drainage and access rights in relation to the construction and maintenance of the Off-Line Highway Improvement Works at Llanfaethlu (Section 5) and Other Associated Development. New PMAs 4/7 and 4/8 also provide drainage and an access to a highway drainage attenuation pond over which new rights are to be acquired.</p> | <p>As noted above, Horizon will make amendments to the Draft DCO to make it clear that any rights acquired or created by Horizon for the purposes of constructing the A5025 Off-Line Highway Improvement Works (including any associated works and structures i.e. drainage and those noted by IACC in this submission) will transfer to IACC as the Highways Authority.</p> |
| [12.3.2]                                                                   | <p>The application documents provide that new rights are to be acquired over these accesses but does not specify who those rights are to benefit. These drainage routes</p>                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                              |

<sup>17</sup> Page 75 [APP-032].

| WR<br>Ref | Interested Party's Comment                                                                                                                                                                                                                                                                              | Horizon Comment |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|           | and accesses will from part of the drainage of the public highway and the rights obtained therefore need to benefit IACC as Highways Authority.                                                                                                                                                         |                 |
| [12.3.3]  | In the case of new PMAs 4/7 and 4/8, Horizon propose to enable access to an attenuation pond via a public right of way. The IACC requires also confirmation that this track and the rights to be acquired will be suitable to allow use by large vehicles (i.e. JCB) to enable maintenance of the pond. |                 |
|           |                                                                                                                                                                                                                                                                                                         |                 |

## 1.5 S106 and Monitoring

### Minor drafting amendments

- 1.5.1 In response to paragraph 10.1 of the IACC Written Representation submitted at Deadline 2 (4 December 2018) [REP2-003] , Horizon confirms it is happy to include reference to the Wellbeing of Future Generations Act in clause 2 of the DCO s.106 agreement and address the matters raised about clause 15.

### Contingency funds

- 1.5.2 In respect of paragraph 10.1.2, IACC states that it anticipates that the contingency funds will primarily be released to IACC. Horizon notes that the Welsh Government considers the topic areas to which the contingency funds apply are matters of regional importance and has sought wider access to these funds. In the second draft DCO s.106 agreement, and the accompanying issues tracker table provided on 30 November 2018, Horizon proposed to IACC and the Welsh Government that an approach to satisfy both considerations would be to ringfence a portion of the contingency fund as available only to IACC (while not restricting IACC's or the Welsh Government's access to the remaining part of the fund). Horizon had a meeting with IACC on 13 December 2018 at which the principle of ring-fencing was broadly supported, in order to ensure appropriate recognition of those living closest to the site. Horizon has not yet had feedback from the Welsh Government; a meeting is scheduled with the Welsh Government on 19 December 2018.
- 1.5.3 IACC has sought that the contingency funds are pre-paid into an account rather than being "held" by Horizon. Horizon does not consider there is a justification for it to pre-pay contingency funds. It is consistent with any typical s.106 agreement that funds are released at identified trigger points and are not expected to be paid to the relevant authority in advance of them falling due. The contingency funds have been proposed to respond to issues which are not anticipated but accepted as areas of uncertainty. The trigger is reactive to monitoring and occurs at the point at which either (a) the adverse effect occurs or (b) the point at which monitoring reveals a forecast of an adverse effect. The contingency funds will therefore be triggered when the criteria for their release have been met and Horizon therefore considers its proposal is appropriate. Under the terms of the second draft DCO s.106 agreement Horizon is then obliged to make such payment. A non-compliance with that would and should be treated in the same way as a non-compliance with any other payment trigger. There is no justification for requiring millions of pounds to be pre-paid.
- 1.5.4 In respect of paragraph 10.1.3 (c), Horizon has communicated to IACC and the Welsh Government its agreement to discuss specific triggers to release funds, their scope, flexibility, and use of ringfencing to recognise and respect the proximity principle while also recognising Welsh Government's position. Horizon is working on proposals for discussion. It is noted that while drafts of the Jobs and Skills Implementation Plan (JSIP), Supply Chain Action Plan, and terms of reference for the Wylfa Newydd Employment and Skills Service (WNESS) have not been provided as attachments to the draft DCO s.106

agreement yet, all of these documents are in fact currently being collaboratively developed with IACC and Welsh Government input in parallel to the s.106 agreement process. The draft JSIP and the ToR for the WNESS was considered at a Jobs and Skills Working Group, attended by IACC and Welsh Government, on the 10 December 2018. At this meeting both documents were agreed in principle, with any final comments to be made by 14 December 2018. The SCAP is being considered at a meeting of the 11 December 2018 and Horizon will provide an update on progress with this in due course to the Examining Authority.

- 1.5.5 In respect of paragraph 10.1.3(c) at sub item (f), Horizon does not consider it is appropriate to permit unused contingency funds to be applied to other topic areas; at a minimum an evidence base would be needed to justify a re-allocation. It is also not agreed at sub item (j) that there needs to be a contingency fund for all heads of mitigation. The mitigation position in the draft s.106 agreement has been developed to provide committed mitigation except in exceptional circumstances.

### Quantum

- 1.5.6 In respect of paragraph 10.1.3(d), Horizon notes that the financial mitigation was included in the draft DCO s.106 agreement shared with IACC on 30 November 2018 and provided to the Examining Authority at Deadline 3 (18 December 2018). This draft does not yet include amounts for the service level commitment, emergency services, and the Community Fund, all of which are the subject of ongoing engagement (but which will amount to multi-million-pound contributions). With these placeholders, the contributions in the Draft DCO s.106 agreement amount to c. £53.4 million of which £3.7 million is payable on implementation, a further £13.76 million within one year of implementation, and a further £5.3 million within two years of implementation. Thereafter, multi-million-pound annual payments are programmed throughout the construction period.
- 1.5.7 In addition to (and prior to) these sums, the draft SPC s.106 agreement for the site preparation and clearance works provides an agreed mitigation package of just around £2.3 million which is payable from commencement of those works – whether undertaken under the planning permission or as Work No. 12 under the DCO.
- 1.5.8 This means Horizon has committed in its draft s.106 agreements to payments of c.£5.8 million<sup>18</sup> in the first 12-18 months of development and an additional £19M within two years of main DCO works starting (both amounts excluding the service level commitment, contributions which will be paid to the emergency services, and the release of any contingency funding or the Community Fund).
- 1.5.9 Of the defined contributions referred to above (i.e. not including the contingency funding), IACC is anticipated to directly receive for its use and allocation the entire sum, save for the payments proposed to be allocated to Betsi Cadwaladr University Health Board (BCUHB) for mitigation of impact on NHS services (in

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<sup>18</sup> Being the initial draft DCO s.106 agreement payments and the site preparation and clearance s.106 agreement payments.

Schedule 8 of the second draft DCO s.106 agreement), the sums for the emergency services (in Schedule 9, sums yet to be settled), and those accommodation capacity payments proposed for Gwynedd and Conwy (in direct proportion to the percentage of workers anticipated to live in Gwynedd and Conwy) (Schedule 5), and a £20,000 contribution to Welsh Government to enhance its existing tourism surveys (Schedule 2).

1.5.10 As noted above, the contributions in the second draft DCO s.106 agreement exclude the financial mitigation for emergency services, which is under development, and the Community Fund (Where the quantum of the Community Fund has not yet been determined as it will need to have regard to the mitigation offer as a whole including embedded mitigation, inherent benefits and that secured under the DCO, as well as draft DCO s.106 agreement).

1.5.11 Horizon's second draft DCO s.106 agreement commits Horizon to a timetable of significant financial contributions, but which recognises long lead items and so provides very significant contributions in upfront capacity enhancement mitigation.

### WNMPOP

1.5.12 In response to paragraph 10.2, Horizon notes that the principle of the WNMPOP and the various sub groups was proposed as a mechanism to ensure fairness and transparency in relation to the release of a limited number of contingency funds, particularly for those topics that have the potential for regional effects. Horizon's proposed WNMPOP terms of reference (including a membership proposal, issued 12 November 2018) was for a four-member structure – being a representative from each of: IACC; the Welsh Government; a community representative; and Horizon. Proposals for an independent chair have also been put forward. This was in part proposed to find consensus between the different authorities with a legitimate interest in how contingency funds are applied for and utilised. The WNMPOP was also intended to reflect the current structures in place, for example the HIA Steering Group and WLIA Steering Group, which have worked well and encouraged cooperation. To date IACC and the Welsh Government have diverging views about their roles; IACC considers it should be the sole allocation body for the contingency funds and the Welsh Government considers that it should have greater control over expenditure to ensure that any off-island effects are given appropriate consideration. To try and find further common ground, Horizon has proposed that some of the contingency funds are ringfenced for use on Anglesey and is waiting for responses to that modified proposal.

1.5.13 It was considered this scope of membership would enable a holistic understanding of the issues - taking a community view (by a community representative), an Anglesey view (IACC), a regional view (Welsh Government), developer input (Horizon), and with a separate chair (independent, to be appointed). As such it is not correct to badge this proposal as Horizon seeking to be a judge in its own cause. It has a legitimate role to play in facilitating the mitigation to be delivered through the contingency funds and would be one voice in five and would never be able to drive through a proposal that was not supported by the majority.

- 1.5.14 Horizon considers that it should have a role on the WNMPOP. It will inevitably have the day to day project knowledge and will be able to advise where mitigation – which may not be financial but be delivered "in kind" can be most effectively directed for maximum return.
- 1.5.15 It is clear that Horizon (being only one member of the proposed four representatives on the proposed WNMPOP) could not, as suggested, dictate or limit funding. Nor, to be clear, would it seek to do so. Horizon has worked with the community of Anglesey for 10 years and intends to be an integral part of the community for decades to come – it fully accepts that the effects from the development must be appropriately mitigated.
- 1.5.16 In response to paragraph 10.2.6, it is not clear what disputes are being referred to. The WNMPOP proposals do not envisage a challenge mechanism. The proposal for allocation of funds (based on a sub-group recommendation) were for a simple majority vote, with the chair having a casting vote.
- 1.5.17 Horizon had a positive strategic level meeting with IACC on 13 December 2018 to consider a way forward on these matters and anticipates a series of meetings being scheduled early in the new year to progress drafting. Horizon also has a meeting scheduled with the Welsh Government on 19 December 2018.

### **Third party payments**

- 1.5.18 In response to paragraph 10.2.7 – 10.2.10 Horizon is aware of the IACC position that all s.106 agreement funding should flow through it. However, this is contrary to the position expressed by other stakeholders such as the North Wales Police and the Welsh Government who consider payments should be made directly to third party service providers.
- 1.5.19 Horizon has sought to accommodate these differing views by establishing a process whereby deeds of covenant must be entered into with those third party providers to ensure those third parties apply the funds in the manner agreed under the s.106 agreement, and IACC would be a party to those deeds so that it has oversight of the funds flow and a contractual relationship.
- 1.5.20 However, from its meeting on 13 December 2018, Horizon understands that IACC does not agree to the principle of third party payments. Horizon has not yet had feedback from IACC and the Welsh Government on this proposal.

## **1.6 Impact on the Tre'r Gof SSSI**

- 1.6.1 IACC's Written Representation sets out at paragraph 13.1 that IACC does not consider that Horizon has properly considered or justified the impact on Tre'r Gof SSSI in its application. It also refers to paragraph 5.3.11 of EN-1 which states that where a proposed development is likely to have an adverse effect on a SSSI it should not normally be granted.
- 1.6.2 Paragraph 13.1 of National Policy Statement (NPS) EN-1 also states that an exception could be made where the benefits (including need) of the development clearly outweigh the impacts. There are a number of significant benefits associated with the project, including its contribution to meeting the documented need for new energy infrastructure. Please refer to the Planning

Statement [APP-406] and Horizon's Written Representation [APP-xxx] for more detail on the benefits of the Wylfa Newydd Project and how these should be applied in the planning balancing exercise to be carried out by the Secretary of State. There are also significant benefits associated with the Site Campus itself, such as its contribution to meeting the need for worker accommodation during construction and mitigating impacts across the island. Please refer to the Workforce Accommodation Strategy for more detail [APP-412].

- 1.6.3 These clear benefits are given significant weight by the robust site selection exercise carried out by Horizon in locating all components and infrastructure associated with the project, including the Site Campus. The site selection exercise, amongst other things, considered hundreds of sites to locate the Associated Development required for the project, including within and outside of the Wylfa Newydd Development Area (WNDA).
- 1.6.4 The site selection process is set out in the Site Selection Report that was submitted as part of the DCO application, which is split into seven volumes [APP-436 to APP-442]. The site selection process took place over a period of approximately seven years (it started in 2011). The project has developed/changed significantly over this period and there have been numerous influencing factors, including numerous stages of consultation with statutory and public bodies. The process took account of relevant environmental, planning, engineering ('buildability' and 'operability'), commercial (including cost), social and economic aspects to ensure the most suitable solutions for the project.
- 1.6.5 It is not clear from the IACC Written Representation what further measures IACC is proposing to reduce potential harm on the SSSI, or what further justification is sought in relation to this.
- 1.6.6 It should also be noted that Horizon is proposing to put in place a number of measures to mitigate impact on the SSSI, including compensatory habitat. Please refer to Environmental Statement Volume D, Chapter D9 [APP-128] for more detail. Horizon is working closely with Natural Resources Wales (NRW) and IACC to provide sufficient information to allow accurate consideration of the extent and quality of habitat which will be created and enhanced as part of the compensation works. This work is currently ongoing, including soil investigation and hydrological monitoring of the compensation sites.

## **1.7 Site Campus site selection and request for an alternative layout.**

- 1.7.1 Following on from its comments in relation to impact on the SSSI, IACC then proposes an alternative layout to the Site Campus, which it considers would minimise visual impact and reduce effects on the SSSI.
- 1.7.2 It is considered that as a result of concentrating the buildings, as suggested by IACC, there would be increased visual impact due to the increase in height. The Design and Access Statement, Volume 3 (Part 1 of 2) [APP-409] sets out the design rationale for the layout of the Site Campus, including the design evolution. The architectural building design proposals at section 4.3 explain

that the layout has been based on the contours of the site to fit into the surrounding landscape. The context has been carefully considered to reduce the visual impact in conjunction with design studies to investigate options for massing and colour of the accommodation blocks.

- 1.7.3 The suggested change in layout is not considered to lessen any of the effects predicted in ES, Volume D (WNDA Development D9) [APP-128] on the ecological receptors identified by IACC. It should be noted that the impacts at Wylfa Head relate to direct habitat loss from the cooling water outfall, not the Site Campus. It is noted though that the IACC proposals could result in a small increase in retained habitat for foraging chough. Other effects on ecology e.g. from dust would not change and would be managed through the existing controls in the Wylfa Newydd CoCP [APP-414] and the Main Power Station Site Sub-CoCP [APP-415]. The position of the retained woodland is to the south west of the Site Campus and adjacent to the main access route. Adverse air quality effects on the retained woodland are not predicted. The retained woodland to the south west of the Site Campus would be protected by the measures in the CoCP.
- 1.7.4 See further commentary regarding Tre'r Gof SSSI below.
- 1.7.5 The statement that *"IACC's view is that the stepping down to four storeys would not increase the overall height,"* would need further clarification. However, it is not necessarily agreed as inferred, that because some accommodation blocks are already proposed at 7 storeys, the visual impact of increasing the height of the others would be balanced against the reduced footprint. 'Stepping down' the height of building units is a well understood means of reducing visual impact and constructing all blocks at 7 storeys (albeit there would be fewer blocks) is likely to increase the visual impact of the overall composition.
- 1.7.6 It is noted the proposals have been developed using the site contours and natural levels of the site to locate the accommodation buildings, to minimise disturbance to the existing landform and reduce the visual effects of the buildings. The IACC proposals could work against this key element of the design.
- 1.7.7 A reduction in the footprint of the campus development could provide more space for the proposed drainage, which would still be needed but which may be configured slightly differently or provide extra space for adaptive drainage works to ensure that it maintains the shallow groundwater flows to the SSSI, such that the impacts might be reduced. However, any benefit realised locally would not substantially reduce the residual uncertainty in the anticipated success/effectiveness of the proposed drainage system at recreating the existing hydrological regime (flow, volume, quality) which is the main reason for the magnitude and significance of the impact identified.
- 1.7.8 In relation to the queries raised by IACC in paragraph 14.0.08 (a to e), Horizon responds as follows.
- 1.7.9 Horizon has committed to deliver all 4,000 beds at the Site Campus. To ensure the delivery of the trigger Horizon would deliver Site Campus in the following three phases:

- Phase 1 to deliver first 1,000 beds on or before Q8 post DCO grant ;
- Phase 2 to deliver 1,500 beds on or before Q15 (so that the total count of beds will be 2,500); and
- Phase 3 to deliver final 1,500 beds on or before Q18 (so that the total count of beds will be 4,000).

1.7.10 This will ensure that the Site Campus is operational well before peak construction as all three phases will be delivered by Q2 Year 5 (at the latest). Peak construction (in terms of workforce numbers reaching 9,000) is anticipated to occur in Q4 Year 7 (refer to Figure C1-4 in Chapter C1 Socio-economics [APP-088]).

1.7.11 As stated above Horizon will agree to the above phasing, as assessed in the ES. Horizon will aim to deliver the Site Campus 'on or before' the relevant quarter and delivery will be within the parameters of the ES. This will be secured via the Phasing Strategy.

1.7.12 Horizon will commit to maximise use of the Site Campus and ensure that the impact to the housing sector is minimised. The Workforce Accommodation Strategy states within paragraph 9.1.6 that "*Horizon will also commit to maintaining high levels of occupancy in the Site Campus*". The key driver for seeking to ensure a high occupancy of the Site Campus is to ensure that Horizon remains within its ES, which is based on no more than 3,000 workers residing in the community. Therefore, high occupancy of Site Campus will ensure that it is utilised effectively and the impact on the local community is minimised.

1.7.13 Horizon will secure high levels of occupancy by ensuring that the Site Campus fully meets the needs and expectations of a modern construction workforce. These needs will be met through provision of purpose-built high-quality accommodation and a range of on-site facilities and amenities. Alongside the proximity of the Site Campus to the rest of the WNDA, thereby reducing the need and time to travel, the Site Campus will be an attractive location for construction workers to live.

1.7.14 Horizon has proposed an Accommodation (Contingency) Fund in Schedule 5 of the draft DCO s.106 agreement, to be activated if a significant adverse effect on the accommodation sector against applicable criteria can be shown.

1.7.15 Horizon has had regard to Wylfa Newydd Supplementary Planning Guidance (SPG) in formulating proposals for the Site Campus. However, the starting point, in planning policy terms, was NPS EN-1 and NPS EN-6. NPS EN-1 confirms that the NPSs prevail for the purposes of decision making in relation to a DCO application. NPS EN-1 supports the delivery of projects in the most timely and efficient way possible in order to meet the significant need for new energy infrastructure. Horizon considers that phasing the Site Campus in the manner proposed will facilitate the timely and efficient delivery of the project.

1.7.16 Volume 2 of the Site Selection Report [APP-437] sets out the reasoned approach to determining the layout of the onsite components within the Wylfa Newydd Development Area. This includes a comprehensive explanation in terms of how land within the Wylfa Newydd Development Area has been

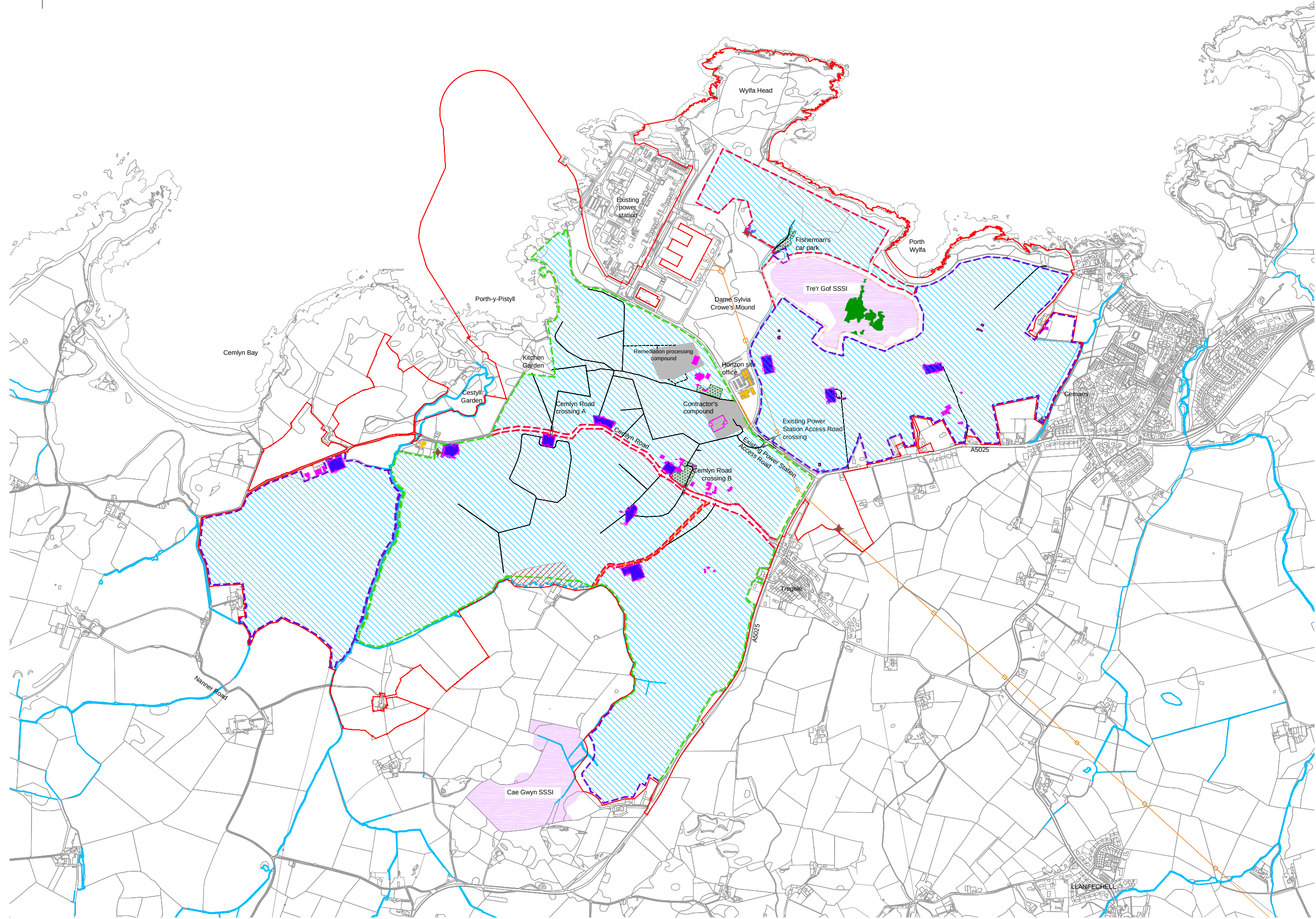
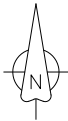
considered. Horizon acknowledges that the section that deals with the Site Campus within Volume 2 forms only a small part of the report; however, this section should not be read in isolation from the remainder of the report. The entirety of the report and the consideration given to locating other components is relevant to the Site Campus, as this is how the options were narrowed down to Option A and Option B.

- 1.7.17 Horizon's proposals for locating components, including the Site Campus, were largely driven by the need to deliver and operate the Power Station in a timely, safe and efficient manner. As a result, many of the permanent components are limited in terms of where they can be located, particularly the main plant. This means that a degree of flexibility needed to be applied to some of the other components, particularly the temporary ones, such as the Site Campus. Once the components with more specific locational demands had been located, this left very limited options in terms of where the Site Campus could be located, as the IACC eludes to. Horizon considers that Options A and B are the most feasible in terms of realistically delivering the Site Campus. Indeed, the aim of the site selection process was not to identify every piece of land within a defined search area or every possible layout, but rather to identify realistic sites/layouts that would meet the needs of the project.
- 1.7.18 The reasoning behind providing 4,000 spaces is clearly set out in the Workforce Accommodation Strategy [APP-412].
- 1.7.19 The reasoning behind the decision to locate the campus style accommodation on-site is covered in Volume 4 of the Site Selection Report [APP-439]. Option A was selected because it performed comparatively well when considering the planning and environmental criteria applied as part of the site selection process and it delivers significant planning benefits in terms of reduced traffic movements. It is considered that the site is the most compliant with NPS EN-1 and EN-6 when considered relative to the alternatives; particularly given that NPS EN-1 makes the urgency of providing new nuclear power stations clear, and Option A would facilitate delivering the Power Station as early as possible (there is no significant remediation risk and it is owned by Horizon, for instance), whilst minimising the impacts on local communities. It is also Horizon's preference to accommodate workers requiring temporary accommodation in the minimum required number of sites to ensure a critical mass to provide on-site facilities and has benefits in terms of worker management and behaviours.
- 1.7.20 Horizon has consulted IACC on all elements of the project in accordance with the Statement of Community Consultation. Please refer to the Consultation Report for more detail [APP-037].
- 1.7.21 The key design principles for the Site Campus are set out in the Design and Access Statement (8.2.3 DAS – Volume 3 – Associated Developments and Off-Site Power Station Facilities, Part 1 of 2) [APP-409]. The landscape design principles that support Policy PCYFF 4: Design and Landscaping in the Anglesey and Gwynedd Joint Local Development Plan (31 July 2017), include:
- The proposed development design will limit the potential impact of the buildings and connect the site visually and physically to the scale and

pattern of the surrounding landscape in response to the understanding of existing landscape character;

- The proposals have been developed using the site contours and natural levels of the site to locate the accommodation buildings, to minimise disturbance to the existing landform and reduce the visual effects of the buildings.;
- As many existing features will be retained as possible, including mature trees and woodland, ancient woodland, hedgerows; boundary features; stone walls and rock outcrops. These key features have been identified in identified in DAS Section 4.2 and accompanying Figure 16.

1.7.22 With respect to the relationship between the Tyn-y-maes bat barn and the MUGA, consideration of the present proposals has not identified adverse effects on the barn from the MUGA. Please see Horizon's response to **FWQ 14.0.3** with regards the effect of the reduced footprint on Tre'r Gof SSSI.



NOTES

- Existing haul road routes will be surveyed before commencement of works and assessed for suitability; those requiring 'enhancement' will receive a 'top up' of crushed stone to ensure the route is fit for purpose (max 400mm depth).
- Proposed ground levels will remain similar except for areas of ground remediation works.
- When perimeter fence is in proximity of the order limits the offset distance will vary and is shown diagrammatically.
- This plan relates to work 12 of schedule 1 of the draft DCO only.

LEGEND

- Order limits
- Site of Special Scientific Interest (SSSI)
- Ancient woodland
- 400kV overhead line & pylon
- Post and wire fence to Tre'r Gof SSSI
- Land subject to above ground clearance
- Foundations bases of demolished buildings
- Retained buildings
- Satellite material processing and material storage compounds
- Landscaping associated with watercourse realignment
- Woodland
- Loose gravel surface
- Bat barn/wildlife tower locations
- Watercourse (following realignment works)
- Other watercourses
- Temporary construction fencing (short term) 2.0m
- Temporary construction fencing (long term) 2.0m
- Temporary internal boundary fencing 0.9m
- CPNI fence line (centre for protection of national infrastructure) 3.0m
- Access roads
- Existing haul roads

|      |            |                    |                     |         |          |
|------|------------|--------------------|---------------------|---------|----------|
| 1.0  | MARCH 2018 | FOR DCO SUBMISSION | HP/PL               | HP/PL   | HP/PL    |
| Rev. | Rev.       | Date               | Purpose of revision |         |          |
|      |            |                    | Drawn               | Checked | Approved |

FOR APPROVAL

**HORIZON**  
NUCLEAR POWER

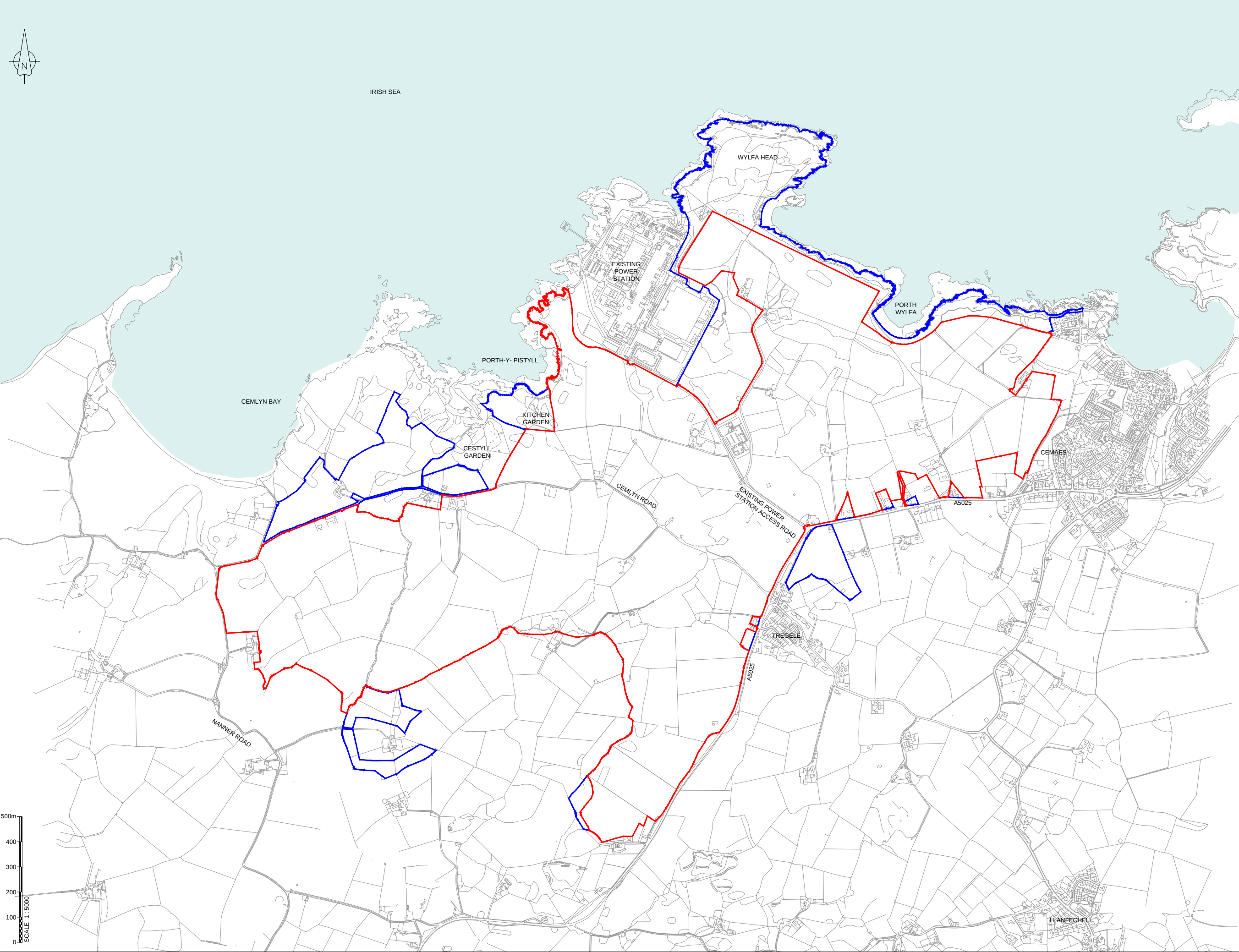
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Project  
**WYLFA NEWYDD  
DCO PROJECT**

Drawing Title  
**SITE PREPARATION AND CLEARANCE WORKS  
PROPOSED SITE PLAN  
WORK NO.12  
(SITE PREPARATION AND CLEARANCE WORKS)  
Regulation 5 (2) (o)**

Security Status  
**NOT PROTECTIVELY MARKED**  
Scale 1:5000 Sheet Size A0 Sheet(s) 1 of 1  
Drawing Number  
**WN0902-HZDCO-SPC1-DRG-00001 1.0**

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LEGEND

SITE PREPARATION AND CLEARANCE APPLICATION

SITE BOUNDARY

OTHER LAND UNDER CONTROL OF APPLICANT

IRISH SEA

|     |          |                      |       |         |          |
|-----|----------|----------------------|-------|---------|----------|
| -   | 20.10.17 | PLANNING APPLICATION | MB    | CA      | PH       |
| Rev | Rev.Date | Purpose of revision  | Drawn | Checked | Approved |

HORIZON

NUCLEAR POWER

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Freephone: 0845 300 6816 Email: [info@horizonnuclearpower.com](mailto:info@horizonnuclearpower.com)

Project

WYLFA NEWYDD  
SITE PREPARATION AND CLEARANCE

Drawing title

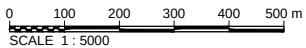
SITE LOCATION PLAN

Drawing status

|                                                                                                                                                                                  |                         |              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--------------|
| Scale                                                                                                                                                                            | 1:5000 @ A0             | DO NOT SCALE |
| Project No.                                                                                                                                                                      | WN0903                  |              |
| Drawing number                                                                                                                                                                   | WN0903-JAC-OS-DRG-00001 | Rev -        |
| This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions. |                         |              |

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